

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Major R. Owens to the President (1 page)	03/25/1994	b(6)
002. letter	Major R. Owens to the President (1 page)	03/25/1994	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20031

FOLDER TITLE:

EEOC [Equal Employment Opportunity Commission]

2013-0534-S

rc1490

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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**Files of Melanne Verveer,
Assistant to the President and Chief of Staff to the First Lady
Box 15: Files**

Archived from OEOB 100 by Bridget Hennessey on Dec. 22, 2000

Education Choice

Education Master List

Education Search

EEOC Egypt

El Salvador

Eleanor Roosevelt

Election '96

Election '96

Eli Lilly

Emily's List

Endowment

England Child Care

Environment

Estonia

Ethnics

Expo 2000

Family Planning

Family Planning

Family Planning

Family Planning

ENCLOSURES FILED OVERSIZE ATTACHMENTS

20031

MAA 17235

International Family Planning
- Vital Voices

Fatherhood Initiatives

Federal Childcare for Employees
- Child Care

Federal Trade Commission

Senator Feinstein

Germany

EMPLOYERS TOLD TO ACCOMMODATE THE MENTALLY ILL

A NEW SET OF U.S. RULES

Government, Following Up on
Disabilities Act, Lists Steps
Companies Should Take

A

By ROBERT PEAR

WASHINGTON, April 29 — The Government told employers today that they may not discriminate against qualified workers with mental illness, may not ask job applicants if they have a history of mental illness and must take reasonable steps to accommodate employees with psychiatric or emotional problems.

The guidance, issued by the Equal Employment Opportunity Commission to carry out the Americans With Disabilities Act of 1990, said employers were not required to lower their standards for performance.

But, it said, they may have to allow extra time off from work, alter work schedules or assignments and make physical changes in the workplace as a "reasonable accommodation" for employees with mental disabilities.

The law defines disability as "a physical or mental impairment that substantially limits one or more of the major life activities." But until now, the Government focused on physical disabilities and provided few answers to the many questions it received about the law's meaning for people with psychiatric disorders.

Such disabilities may include major depression, bipolar disorder (manic depression), schizophrenia, obsessive-compulsive disorder and personality disorders, the commission said.

Nearly 13 percent of all complaints filed with the commission under the disabilities law in the last four years — 9,216 of 72,687 — alleged discrimination resulting from emotional or psychiatric impairments, the largest source of complaints after back problems. The National Institute of Mental Health says 1 in 10 Americans experiences some disability from a diagnosable mental illness in the course of a year.

Peggy R. Mastroianni, associate legal counsel at the Equal Employment Opportunity Commission, said the guidelines were intended to address the "myths, fears and stereotypes" of mental illness.

"We wanted to show that the law applies to people with psychiatric disabilities in the same way it applies to people with physical disabilities," Ms. Mastroianni said. "This is the first time we have explained, in a comprehensive way, how the law applies to people with psychiatric disabilities."

The new rules say employers should be alert to the possibility that traits normally regarded as undesirable — chronic lateness, poor judgment, hostility to co-workers or supervisors — "may be linked to mental impairments."

Under the guidelines, an employer may have to provide "room dividers, partitions or other soundproofing or visual barriers between work

Continued From Page A1

spaces" to help employees who have difficulty concentrating because of mental illness. Experts said a person with schizophrenia, for example, might be unusually sensitive to noise and visual distractions in the workplace.

Likewise, the guidelines say, "an employer may be required to provide a temporary job coach to assist in the training of a qualified individual with a disability." Or, it said, a company may need to change the work schedule of an employee taking antidepressants that cause extreme grogginess and lack of alertness in the morning.

Ronald S. Honberg, director of legal affairs at the National Alliance for the Mentally Ill, hailed the guidelines, saying they "will be extremely helpful to people with severe mental illness, employers, judges" and commission employees who investigate complaints.

Employers' reactions were mixed. "This guidance creates confusion for employers, especially small employers who don't have any special expertise," said Susan R. Meisinger, senior vice president of the Society for Human Resource Management, which represents personnel directors at thousands of companies of all sizes.

But Dr. Mary Jane England, president of the Washington Business Group on Health, which represents 175 big corporations like PepsiCo and Hewlett-Packard, welcomed the guidelines, saying they clarified employers' obligations.

The commission said that on job application forms, employers may not ask whether prospective employees have a history of mental illness, or whether they have been treated or hospitalized for such illness.

After making a job offer, it said, the employer may require a medical examination, including a psychiatric examination, if the company requires all newly hired employees in the same job category to have such examinations. But if the employer uses the results to screen out a person because of disability, "the employer must prove that the exclusionary criteria are job-related and consistent with business necessity," to defend against a charge of job bias.

Moreover, the agency said, "an employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability," unless doing so would impose "an undue hardship" on the operation of the business. Cost is a factor that may be considered in assessing hardship, the agency said.

Ms. Mastroianni said the commission had been flooded with questions about the 1990 law, mostly from employers. Here are some examples:

¶What should an employer do when an employee is not performing well and says he has depression? (The employer, the commission said today, may have to make "reasonable accommodations," like changing the worker's schedule, assigning him to a different job or altering the method of supervision.)

¶Should an employer check on employees to make sure they are taking medications needed to treat a mental illness? (No.)

¶Must an employer excuse the conduct of an employee who threatens co-workers because of a mental impairment? (No.)

The commission said employees need not use any "magic words" to

request a change. If an employee asks for time off because he is "depressed and stressed," that is enough to put the employer on notice that the worker is requesting a "reasonable accommodation," the agency said.

If the worker's need is not obvious, the employer may ask for documentation from a doctor, to show that the worker has a psychiatric disability requiring time off, the rules say.

Michael J. Lotito, a San Francisco lawyer who advises employers on labor law, said: "We have a long history of accommodating physical impairments of one kind or another. But we have much less experience with mental impairments. If you have cancer or have lost an arm or are blind in one eye, it's pretty clear. But a person with a mental impairment is often in denial. A person who is schizophrenic may not be in a good position to describe the disorder or to describe the accommodations that are needed."

The Government told employers that all information on psychiatric disabilities must be kept confidential, "on separate forms and in separate medical files."

Moreover, it said, if employees ask questions about a co-worker who seems to be receiving preferential treatment, "the employer must not disclose any medical information." Thus, it said, the employer may not tell employees that a worker has a disorder requiring a "reasonable accommodation," but may explain that the company is "acting for legitimate business reasons or in compliance with Federal law."

Federal officials said accommodations for workers with psychiatric disabilities often cost less than the changes needed to accommodate physical disabilities, which may include widening doorways, installing ramps or modifying bathrooms.

Laura L. Mancuso of the Conflict Management Institute in Santa Barbara, Calif., a consultant who has advised hundreds of employers on compliance with the 1990 law, said: "Accommodations for workers with psychiatric disabilities are, in most cases, inexpensive or free. An employee with psychiatric problems may initially need additional time from supervisors or co-workers, but research shows that the need tends to fade over time."

The Government also said employers might run afoul of the law if they rigidly enforced a dress code or rules of conduct that were not "job-related and consistent with business necessity."

As an example, the agency described the case of a person with a psychiatric disability who works in a warehouse loading boxes for shipment and has no contact with customers. Over several weeks, he reports to work looking disheveled. He is abrupt and rude on the rare occasions when he must talk to fellow employees. But his work has not suffered.

The company handbook says employees should have a neat appearance at all times and should be courteous to one another. The employer takes disciplinary action against the employee, who says his appearance and demeanor deteriorated because of his disability.

The agency concluded that in this case, the dress code and co-worker courtesy rules were not justified by a business necessity, so the "rigid application of these rules to this employee would violate the Americans With Disabilities Act."

The New York Times

WEDNESDAY, APRIL 30, 1997

Sergeant Convicted of 18 Counts Of Raping Female Subordinates

Verdict Sends Signal Throughout Armed Forces

By ELAINE SCIOLE

ABERDEEN, Md., April 29 — A military jury today found a former drill sergeant guilty of raping six female trainees, sending a clear signal throughout the armed forces that sexual misconduct will not be tolerated.

After deliberating for 31 hours over five days, the jury of five men and one woman declared Staff Sgt. Delmar G. Simpson guilty on 18 rape charges, including five incidents involving a 21-year-old former trainee from Illinois who was described by two witnesses as a "compulsive liar" and eight incidents involving a 23-year-old former trainee from Wyoming whom Sergeant Simpson twice drove to his apartment, where she stayed the night.

The jury acquitted Sergeant Simpson, a 32-year-old father of two, of only one rape charge, involving a 20-year-old former trainee from Tennessee who testified that she took a shower before intercourse, did not resist and led him to believe she wanted to have sex with him. But he was convicted of a second rape charge involving the same woman.

Sergeant Simpson, wearing his green drill sergeant's uniform, stood at attention in the ascetic, pale pink military courtroom on the base here as the male colonel who headed the jury read its verdict on each of the 54 criminal charges. Sergeant Simpson's wife, an Army sergeant based at a classified installation in Virginia, sat impassively behind him.

The verdict in the court-martial was a dramatic victory for Army prosecutors, who had argued that the power of the drill sergeant over his subordinates was near absolute. They portrayed the lean, 6-foot-4-

inch sergeant as an evil predator who abused the power of his rank to rape, sodomize, assault and harass the most vulnerable women under his command.

Defense lawyers, who had argued that the women were willing participants who engaged in sexual intercourse and later cried rape, seemed stunned by the verdict. As the head of the jury uttered the word "guilty" over and over, Sergeant Simpson's two military lawyers, Capt. Edward Brady and Maj. J. Michael Sawyers, bowed their heads.

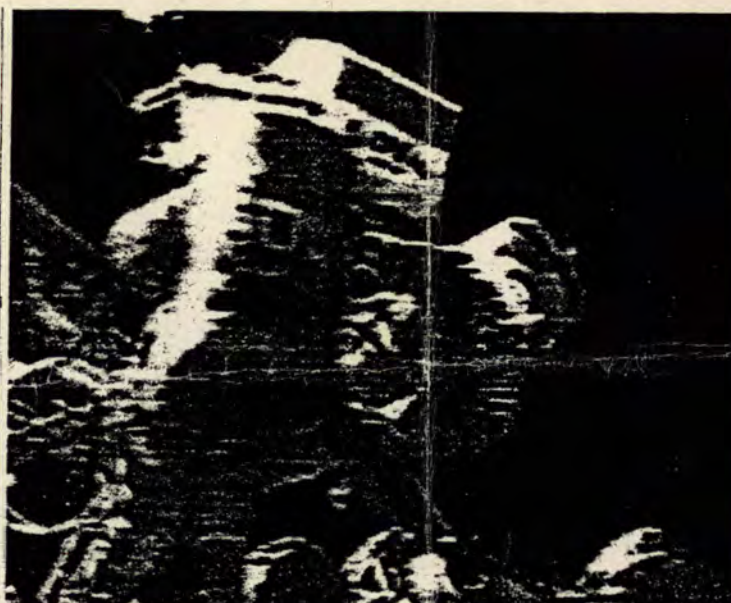
The verdict breaks no new legal ground and is still subject to review. But the case has raised questions about whether the military is, as it is supposed to be, a haven of discipline and safety or whether it has deteriorated into a dangerous place in which women are afraid of male superiors and men are afraid of blackmail by vindictive seductresses.

Today's verdict is certain to rekindle the debate on Capitol Hill and within the military about whether the American military's experiment with integrating men and women has failed.

"This is unquestionably a watershed event in the evolving social history of the armed forces of this country," said Eugene R. Fidell, an expert in military law and president of the National Institute of Military Justice.

"It says first of all that the Army has aggressively and successfully prosecuted a case that was in some quarters not a popular one. It says that the Army collectively and individually is dead set against sex be-

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NASA via Agence France-Press

New Step in Space Cooperation

An American, Dr. Jerry L. Linenger, left, and a Russian, Vasily Tsibilyev, in their countries' first joint space walk, collected cosmic dust samples and installed a radiation meter yesterday outside the Mir space station.

For First Time, Woman Says McVeigh Told of Bomb Plan

By JO THOMAS

DENVER, April 29 — Lori Fortier, one of the Government's principal witnesses against Timothy J. McVeigh, told a Federal District Court jury today that one night in early October 1994, Mr. McVeigh sat in the living room of her trailer in Kingman, Ariz., and said he was going to blow up the Federal Building in Oklahoma City.

"He drew a diagram, just a box," Mrs. Fortier said, "and he filled the box with circles representing barrels."

The box, she said, represented the truck he would park in front of the Alfred P. Murrah Federal Building because "it was an easy target." And he said the bomb would be made from barrels filled with ammonium nitrate and anhydrous hydrazine, she testified. She said she remembered the names of the chemicals because Mr. McVeigh borrowed her dictionary the next day to look them up.

She also said Mr. McVeigh was angry at the Federal Government for the deaths of the Branch Davidians in the 1993 confrontation near Waco, Tex., and picked the Federal Building in Oklahoma City because he thought some of the law-enforcement agents involved in the Texas attack worked there.

Mrs. Fortier has not spoken publicly before, and is testifying under a grant of immunity at the trial of Mr. McVeigh, who faces conspiracy and murder charges in the destruction of the Federal Building on April 19, 1995. Mrs. Fortier's husband was Mr. McVeigh's roommate in the Army and later one of his closest friends. Mr. Fortier has pleaded guilty to Federal weapons charges and is failing to inform law-enforcement officials about a bombing plot. He is expected to testify later in the trial.

The Fortiers also knew Terry L. Nichols, who has also been charged in the bombing and will be tried after Mr. McVeigh.

Today, as Mrs. Fortier answered questions from the lead prosecutor, Joseph H. Hartzler, she told the jury that Mr. Nichols had helped Mr. McVeigh commit several robberies to acquire money and materials for use in the bombing. But, she said, at the last moment Mr. McVeigh told her and her husband that "Terry wanted out and Terry did not want to mix the bomb."

Speaking in a monotone and showing no emotion, Mrs. Fortier told the jury that she was in high school in

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Markets Surge As Labor Costs Stay in Check

By LOUIS UCHITELLE

The stock market rocketed yesterday to its greatest gain in more than five years because a key economic indicator, measuring labor costs, showed no sign of inflation despite a robust economy and many reports that skilled workers are increasingly hard to find.

Nothing in the Employment Cost Index, the broadest measure of what employers pay for workers, suggested that rising labor costs might soon force companies to raise their prices. Wages did rise modestly, but not across the board. And outlays for benefits like health insurance and pensions were almost unchanged.

The mild inflation report, showing a rise in employment costs of just six-tenths of 1 percent for the first quarter, took some of the steam out of the view on Wall Street that the Federal Reserve would soon feel compelled to raise interest rates again to slow the economy.

In the bond market, interest rates fell sharply, and stock prices, which thrive on expectations of lower interest rates, shot up. The Dow Jones industrial average rose 179 points, or 2.64 percent, the largest percentage increase since Dec. 23, 1991, when it soared 3 percent. (Page D1.)

"There is no question this is a better labor cost report than we had anticipated," said Edward McKelvey, a senior economist at Goldman, Sachs & Company.

For the Clinton Administration, the modest labor cost increase was unthreatening to the economy, fall-

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EMPLOYERS TOLD TO ACCOMMODATE THE MENTALLY ILL

A NEW SET OF U.S. RULES

Government, Following Up on
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By ROBERT PEAR

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Writing Seems to Be on the Wall, But Tory Chief Chooses to Ignore It

By WARREN HOGGE

LONDON, April 29 — The moment symbolized just how tough things have become for John Major, a doughty political survivor with a never-say-die spirit who is battling big odds to stay on as Prime Minister of Britain.

Sweeping into the driveway of Battersea heliport in London this morning on the way to a campaign appearance in southern England, his motorcade suddenly slowed to a crawl. Partially blocking his way were two slogan-bedecked Labor Party "battle buses," and the send-off message Mr. Major found himself facing said, "Into the future with Tony Blair."

In an act emblematic of his public duty in these last days before Thursday's vote, he looked the other way, pretending not to see the writing.

Despite persistent polls showing the Conservatives running as much as 20 points behind Mr. Blair's Labor Party, Mr. Major is shrugging off the doom-saying surveys and crisscrossing England, Wales, Northern Ireland and Scotland, trying to spur his party as he has in the past. In the last election, five years ago, the Conservatives also trailed Labor in the

campaign's last week, and Mr. Major got on a soapbox, powered up his bullhorn and took personal charge of the campaign to secure the Tory victory.

This time his party is much further behind, and the opposition, the refashioned "New" Labor Party, far craftier and better organized. People say they are weary of 18 consecutive years of Tory rule and dismayed at the repeated instances of corruption in the party's parliamentary ranks and its internecine feuding over the issue of Britain's relationship with Europe.

But Mr. Major, seeming not to notice, wades into crowds, flashes his Cheshire-cat grin, wraps himself in

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Sarajevo Orphans Return, to a Bleak Future

By ALAN COWELL

SARAJEVO, Bosnia and Herzegovina, April 24 — Dragana Selerovic tells her story in the sort of jumbled haste that 7-year-olds are prone to, full of disjointed images and leaps in time. "My mother was shot," she said. "She was all red. So I had only a Daddy." In other words, at the moment she found herself abandoned, her father could run fast, but her mother could not. So her mother was shot in what she called Sarajevo's "little war" and now she has only a father, whom she does not know.

But she was 2 or younger at the time, so no one can be sure what parts of this story are true. It may, in fact, be only a version of reality designed to make sense of a short life that has been incomprehensible so far and is likely to remain so.

Dragana was one of a group of orphanage children bundled out of Sarajevo under sniper fire that killed two of the children in August 1992, to take refuge in Germany.

Just over three weeks ago, under pressure from Bosnian authorities, she was one of 30 children five years or older who reversed that journey, returning to a land so ruined that, in some parts of this town, shell-struck homes stand like rows of black teeth in bad gums.

Now they are back at the Bjelave orphanage, from which they were rescued, but there are doubts, even here, that this latest wrenching change in their lives will help them.

When the children left Sarajevo, some Bosnian officials protested that removing them to a foreign land, however safe, was wrong — depriving the land of its children, and the children of their connec-



Agence France-Press

At the Bjelave orphanage in Sarajevo, Bosnian children were at play recently. Many war orphans have returned, but to a land still torn.

tion to the land. Now, some people who are looking after them whisper that they were better off where they were.

So their plight seems, like so many things here, to be another untidy loose end of a drama that many outside Bosnia prefer to forget.

At the orphanage today, in an unfurnished reception area, five children met with the mothers who left them in the orphanage before the war. The hugs were close, tight as koalas, but some of the mothers had been judged mentally unfit by social workers, so there was no guarantee that they would be permanently reunited with offspring

they once abandoned.

"In Germany they had a real home," said a West European volunteer worker with close knowledge of how the children are looked after. "This is an institution. There is no instruction. They have no personal possessions. There's no routine. Their lives here are a negation of everything childhood should be." Like others fearful of offending the orphanage's prickly management, the volunteer agreed to speak in return for anonymity.

During the war, rescues of children by Western countries made

Continued on Page A6

Machetes, Axes and Rebel Guns: Refugees Tell of Attacks in Zaire

By JAMES C. MCKINLEY JR.

KISANGANI, Zaire, April 29 — She was lying in a makeshift hospital in the refugee camp south of this city, suffering from fever and the effects of a miscarriage, when the attack occurred. She does not remember the machete falling on her, or even the face of her attacker.

When she came to minutes later, Christine Mukamurenzi said, her right arm was severed, the hand and forearm hanging by a bit of skin just below the elbow. As gunfire rattled through the camp, she tried to run into the forest, but the pain and the unwieldy arm made it impossible. She remembers biting through the skin to cut away her forearm and then wrapping the stump in her dress before she fell unconscious on the ground.

"I ran into the forest, but I had no strength left and so I fell and slept," she said today as she lay on the filthy floor of the University Hospital here.

Around her were others wounded when local villagers and rebel fighters attacked refugee camps a week ago, driving 80,000 Rwandan Hutu

into the forest. About 20 refugees were lined up on mats along the floor — the dead, the dying and the wounded, victims of a dirty campaign by rebels to finish off the Hutu.

No one knows the extent of the killings at the Biaro camp — the survivors said they were running too fast to count the dead. But they provided compelling eyewitness accounts that Laurent Kabila's rebel forces have attacked defenseless refugees in their search across Zaire, confirming the suspicions of aid workers and United Nations officials.

The rebels say that there are armed Hutu guerrillas among the refugees and that they only respond-

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A Last-Ditch Policy in Zaire

As Bill Richardson, President Clinton's envoy, shuttled between foes in Zaire, American officials said their policy has come down to pushing President Mobutu Sese Seko to step down. Pages A12 and A13.

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