

March 15, 1999

[illegible]

Study Asserts El Niño Saved Lives, Had Economic Benefits

Associated Press

Despite all the bad publicity, last year's El Niño may have saved hundreds of lives and was a major boon to the economy, a new study by a leading climatologist indicates.

"If you treat it as an economic outcome for the country... most of the country benefited," says consulting climatologist Stanley A. Changnon.

Overall, the 1997-98 El Niño can be blamed for 189 deaths, but it saved nearly 850 lives that otherwise would have been lost, Changnon concluded.

And its \$4.2 billion to \$4.5 billion in damage is far outweighed by nearly \$20 billion in benefits, he reports in the September issue of the Bulletin of the American Meteorological Society.

The El Niño weather phenomenon was blamed for major storms

in California and deadly tornadoes in Florida. But it also produced an exceptionally mild winter in the North and blocked Atlantic Coast hurricanes.

El Niño is a periodic warming of the water in the eastern Pacific Ocean, which shifts weather patterns arriving from that area and can affect the climate worldwide.

La Niña, an abnormal cooling of the Pacific sea surface, is currently taking place. It also can affect

the world's weather. La Niñas sometimes occur between El Niños.

But although El Niños are known to produce storms in California, they also tend to result in mild winters in the Midwest and reduce Atlantic hurricanes.

According to Changnon, as few as 100 people died in winter cold and storms during the 1997-98 El Niño, well below the recent average of 850. Generally mild

temperatures "greatly reduced lives lost to extreme cold," Changnon wrote, and there also were fewer weather-related auto accidents and deaths in winter storms.

The mild temperatures also saved businesses and homeowners millions of dollars they didn't have to spend on heating fuel, Changnon said, though that also can be calculated as a loss for utilities. Lack of demand for heating

fuel made oil a glut on the market, resulting in the price of gasoline dropping to as low as 80 cents a gallon in some parts of the country.

In addition to the economic benefits of the mild winter, Changnon reported, "Thousands went out of doors more, millions went shopping, many altered their types of recreation, and almost everyone enjoyed better health than in normal winters."

Unhappy Workers at Williamsburg Black Actors in Slavery Reenactment Complain of Conditions

Associated Press

WILLIAMSBURG, Sept. 1—A Colonial Williamsburg program that depicts the harsh treatment of slaves during Colonial times is drawing fire from black reenactors who say they deserve better treatment on the job.

Some employees have complained to the Colonial Williamsburg Foundation that they feel typecast as slaves and deprived of opportunities to advance. The employees also said they are underpaid and treated insensitively, according

to an article in today's Daily Press of Newport News.

"It seems as though with each restructuring, only one black at a time is promoted," the employees said in a letter detailing their unhappiness. "This leads us to believe that those in charge of programming are afraid if they promote too many of us, they won't have any 'slaves' to make their programs successful."

A new program this year at Williamsburg called "Enslaving Virginia" places costumed reenactors in the role of slaves, with white actors playing their masters.

Williamsburg's Steve Elliott said that foundation members are committed to telling the story of slavery and that they realize it is difficult and draining for employees. He said the foundation is attempting to work things out with employees.

Several employees told the Daily Press there has been increasing unhappiness among blacks since the foundation dissolved its Department of African American Interpretations and Presentations in 1997. The department was made up mostly of black employees and devoted to teaching black Colonial history.

Workers Challenging 'English-Only' Rules

Associated Press

CHICAGO, Sept. 1—Carlos Solero couldn't believe his ears when his bosses started reprimanding him for speaking Spanish.

"Even if I was singing to myself or just mumbling, I would get a warning," the 31-year-old said of the "English only" policy his bosses instituted at a suburban Chicago manufacturing plant two years ago.

The company said the policy was needed to improve communication on its assembly line. Eventually, Solero was asked to sign a work agreement that included the policy—but he refused and was fired.

Now he and seven other Spanish speakers—and the federal Equal Employment Opportunity Commission—have filed lawsuits against Watlow Batavia, a metal-casting and assembly plant in Batavia, Ill.

Legal experts say it is part of a growing movement against employers who try to force workers to speak English on the job.

"I think we're going to see more and more of these types of lawsuits, especially as the population of immigrants grows and more languages are spoken in the workplace," said Jose Behar, an EEOC attorney handling the agency's lawsuit against Watlow.

Complaints filed by the EEOC against companies with English-only policies have nearly tripled in the past three years, according to the agency. Ninety-one were filed nationwide last year, compared with 32 in

1996.

Companies may have English-only policies as long as they can prove they are a "business necessity"—say, in an air-traffic control tower.

Trouble is, say Behar and others, some companies are taking it too far and instituting policies simply because they want to know what their employees are talking about.

"When there's some type of health and safety at stake, those are situations where English-only should be required. But in the vast majority of jobs, there really is no justification," said Donya Fernandez, an attorney with the Language Rights Project in San Francisco.

This summer, the group helped work out an agreement at an Emeryville, Calif., casino where kitchen cooks were told they had to speak English, even though they all spoke Cantonese.

Officials at Watlow defend their English-only policy, which they say was temporary and part of a plan to improve a department in crisis.

"We have nothing against speaking any other language as long as the customer's needs are being met," said Diana Rader, the human resources manager for the company. "But the department was experiencing problems where we thought communication was only one of many issues."

The cases against Watlow Batavia are expected to be heard in U.S. District Court in Chicago early next year.

Language Rights - 3/16/97

Education term

discrimination agt child of LEP - Title VI Lau vs. Nichols
Case - violates Title II ed. opp. in extracurricular but does
Bilingual Education - solution. ~~was~~ evolved to ESL

Title VII - ESEA - finding to provide bilingual education
+ teacher preparation

BM - meaningful access to education, health + social
services, employment - what is meaningful access
Need one to define Law - what does Law mean
Ex. ADA ~~is~~ specific def. of access.

Ellen Vaigan - English Only
Natural Origin - discrimin.

- ① Meaningful Access
- ② Natural Origin Discrimination

Speak English Only Rule
Accent

③

OSC - natural origin discrimination - John Joseph

Eddie

Title II - Case - covers many programs
at cases. ~~there~~ but little case cases.

What's our duty in this area - get ahead here

(2)

HHS

- 1995 - did a study available of languages services in
hosp. & edu
- guidance memo has implemented - adult, TA,
regulations - binder

Title VI - DOJ on web - Subtitle

If agency gets a complaint - language section

~~Education~~

- need to report to the complaint / education

Education

K-12 - working in ESL 60%

Adult education -

no legal strategy in the area of order

• Accen -

ex. 300 kids. hire 1 teacher

• Outright Discrimination

being tested & then by background.

As for accommodations under Title VI - residence in the
past.

Education has guidance on mental issues

Health employment cases.

Eddie health area may be clearer.

(3)

Compare guidance from other agencies - HUD, DOJ, ^{Ed} ~~ck~~ ^{ck}

Castro - 3 pages - m education

reasonable person - apply in the health condition
Don't have ^{do} - Title IV ~~do~~ - Eddie?

Political concern -

What does Title VI require - agencies to come together
+ determine what does Title VI require of that agency.

DOJ/Title VI - specific standard - interpretation -

HMO - case in ^{Farthing} ~~do~~ - natural origin

- Title VIII - LL could not communicate w/ ~~ST~~ T - so denied.

It supported, ^{private} ~~ST~~ court ~~ST~~ ST, DOJ CT

Difficult issue. ~~ST~~ 3/22 - apt. II apt new ~~ST~~

- Title VI - SF Public Housing Authority - Arion Law School

~~ST~~

- Public Housing -

(*) - How are we processing complaints for ^{LA} ~~Equal~~ LEP
HUD

removing
GWT

- DOJ analysis - of Title VI

CT of Appellate opinion -

English Proficiency -

- Speak English + perform duties
- Speak English Only Rules

9th + 5th Circuit - case law - supportive but some hold back. Looking at other circuits.

(Sanitor = hospital)
independent source.

~~EOC~~ Regulations - presumptively nat'l org discrimination 1981
9th circuit rejected EOC business necessity

~~Blanket~~ Blanket policy - ~~blanket~~ discrimination presumption -

Accent If no adverse action, then no discrimination policy -

If ~~person~~ person bilingual, they are not covered by Title VII

line of evidence of nat'l origin discrimination -

English Only Laws - state measures

- ① Education + Outreach - ^{TA} Lopez = nat'l origin
↳ ER, judicial training, community

Reasons

Health

OCR Budget and FTE Usage His / FY 80 – FY (Actual FTE through FY , Do , through FY)

Fiscal Year	Budget	FTE	FTE Change from Prior Year		Cumulative Change FY 80–FY 99		Cumulative Change FY 93–FY 99	
			#	%	#	%	#	%
FY 1980	\$22,004,000	550	n.a.	n.a.	n.a.	n.a.		
FY 1981	\$19,770,000	519	-31	-5.6%	-31	-5.6%		
FY 1982	\$19,716,000	487	-32	-6.2%	-63	-11.5%		
FY 1983	\$21,513,000	477	-10	-2.1%	-73	-13.3%		
FY 1984	\$21,295,000	437	-40	-8.4%	-113	-20.5%		
FY 1985	\$20,200,000	397	-40	-9.2%	-153	-27.8%		
FY 1986	\$19,140,000	377	-20	-5.0%	-173	-31.5%		
FY 1987	\$19,285,000	368	-9	-2.4%	-182	-33.1%		
FY 1988	\$20,173,000	344	-24	-6.5%	-206	-37.5%		
FY 1989	\$19,931,000	325	-19	-5.5%	-225	-40.9%		
FY 1990	\$21,294,000	322	-3	-0.9%	-228	-41.5%		
FY 1991	\$20,969,778	321	-1	-0.3%	-229	-41.6%		
FY 1992	\$22,280,000	313	-8	-2.5%	-237	-43.1%		
FY 1993	\$22,552,000	303	-10	-3.2%	-247	-44.9%	-10	-3.2%
FY 1994	\$22,181,000	284	-19	-6.3%	-266	-48.4%	-29	-9.3%
FY 1995	\$21,891,000	259	-25	-8.8%	-291	-52.9%	-54	-17.3%
FY 1996*	\$19,710,000	242	-17	-6.6%	-308	-56.0%	-71	-22.7%
FY 1997*	\$19,985,000	232	-10	-4.1%	-318	-57.8%	-81	-25.9%
FY 1998	\$19,659,000	217	-15	-6.5%	-333	-60.5%	-96	-30.7%
FY 1999	\$20,659,000	225	8	3.7%	-325	-59.1%	-88	-28.1%
FY 2000 C.J.	\$22,159,000	225	---	0.0%	-325	-59.1%	-88	-28.1%

* Included funds transferred under the Secretary's one percent transfer authority (\$330,000 in FY 96 and \$475,000 in FY 97).

Change Since HHS & ED Split	
Total FTE Reduction FY 80 – FY 00	-325
Percentage FTE Reduction FY 80 – FY 00	-59.1%
Average annual FTE reduction FY 80 – FY 00:	-16
Average annual FTE % reduction FY 80 – FY 00:	-4.3%
Reagan/Bush Administrations	
Total FTE Reduction FY 80 – FY 92	-237
Percentage FTE Reduction FY 80 – FY 92	-43.1%
Average annual FTE reduction FY 80 – FY 92 est.:	-20
Average annual FTE % reduction FY 80 – FY 92 est.:	-4.5%
Clinton Administration	
Total FTE Reduction FY 93 – FY 00 (from end FY 92 to FY 00)	-88
Percentage FTE Reduction FY 93 – FY 00	-28.1%
Average annual FTE reduction FY 93 – FY 00	-11
Average annual FTE % reduction FY 93 – FY 00:	-4.0%

LANGUAGE RIGHTS MEETING
March 15, 1999

Leah
Adrian
July

INTRODUCTION

- Purpose is to facilitate a discussion about LR issues
 - Define language rights - what are we trying to achieve
 - What is happening in the agency
 - How WH can be helpful - coordinating, raise awareness, etc

DEFINE LANGUAGE RIGHTS ISSUES & OUTLINE OUR GOALS AND OBJECTIVES

- Entertain discussion about LR issues - If not, discuss activities and come back
 - What goal are we trying to achieve
 - What are our specific objectives

ACTIVITIES ON LANGUAGE RIGHTS ISSUES

- **National origin/language rights discrimination** - EEOC - national origin discrimination in the form of "language" issues such as speak-English-only rules and discriminatory practices based on access.
- **Education** - Education
 - * Excellence & Equity Strategic Plans - Ensure LEP students access to high quality education
 - * Bilingual Education -
- **Access to health and social services or persons with limited English proficiency (LEP)** - HHS - ensure that LEP populations have meaningful access to health and human services.
- **Other Issues**

ROLE OF WHITE HOUSE CIVIL RIGHTS COORDINATING COUNCIL