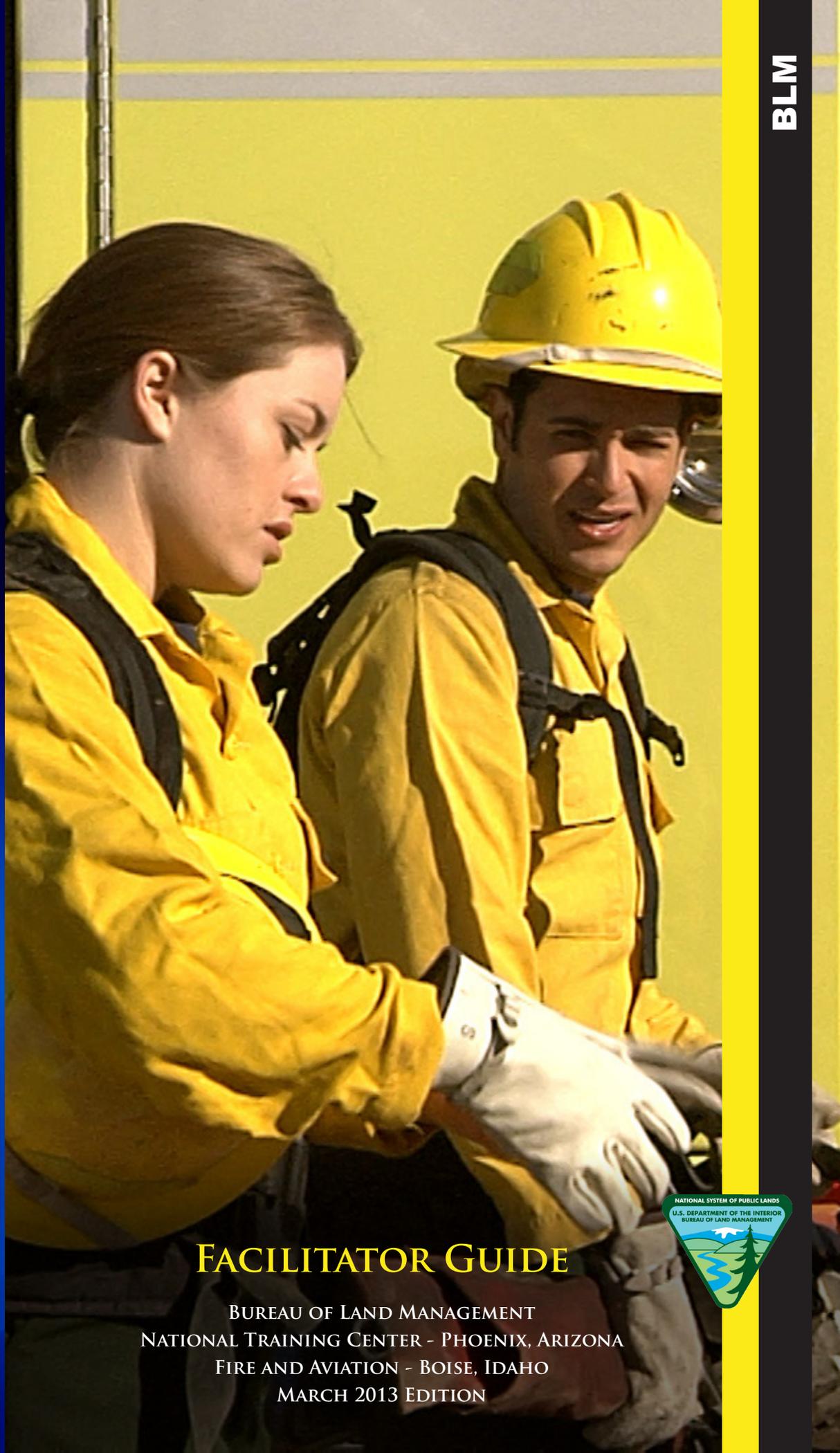


# DO WHAT'S RIGHT



BLM

## FACILITATOR GUIDE

BUREAU OF LAND MANAGEMENT  
NATIONAL TRAINING CENTER - PHOENIX, ARIZONA  
FIRE AND AVIATION - BOISE, IDAHO  
MARCH 2013 EDITION



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## How to Use This Facilitator Guide and the Participant Guides

This Facilitator Guide provides information on your responsibilities as a facilitator, a checklist for setting up sessions, suggestions for interacting with participants and information to help you select the training package best for your audience.

In addition, facilitator notes are included for each scenario. The facilitator notes for each scenario include the following sections:

### Discussion Questions:

This section provides a few questions in *italics* to stimulate discussion. Each question has bulleted possible responses that may come up during the natural course of a discussion. The questions are also included in the participant guide along with some room for taking notes.

### Optional Discussion Items:

Additional discussion questions that the facilitator may choose to add to the discussion.

### Local Discussion Items:

This section allows the facilitator to customize scenario discussions by adding additional questions and information about local perspectives, procedures, policies or issues into the conversations.

### Ending the Discussion:

This section includes directions for returning to the DVD to listen to the closing comments on the scenario just discussed. This section provides facilitators with information on the **Key Points Brought out in DVD Debrief** that participants will be watching when the DVD is restarted.

## Responsibilities of the Facilitator

- You are crucial to the success of this course.
- Your job as facilitator is to pre-select a scenario from each section that is appropriate to your audience.
- Your job as the facilitator is to guide the discussion and encourage participation.
- This guide is organized to provide a structured approach to teaching this course.
- Each participant should have a Participant Guide to follow as you facilitate this training. Include the current DOI and BLM specific policies on prevention of harassment and EEO. Download them from our website: <http://www.blm.gov/nifc/st/en/prog/fire/more/eo.html>
- This course is designed for all employees, both supervisory and non-supervisory.
- You should coordinate your training with the EEO and HR professionals in your office to ensure you are also covering information they feel is important for your office.

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**Do What's Right**

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**To prepare for the course you need to:**

- ✓ Confirm the date and time for the course – reserve at least 2 hours.
- ✓ Reserve a room.
- ✓ Notify your employees of the date, time and location of the course.
- ✓ Review the Participant Guide.
- ✓ Review the Facilitator Guide and the DVD. Select scenarios to be used for the training, so you are ready, willing, and able to facilitate this course.
- ✓ Gather the needed equipment and supplies.

**The Equipment and Supplies needed include:**

- ✓ DVD Player and monitor
- ✓ This Facilitator Guide and the DVD
- ✓ Participant Guide for each employee. (The same Participant Guide can be used with any of the material selected. There are designated pages for each Section.)
- ✓ Copy of *Interagency Standards for Fire and Aviation Operations* (Red Book)
- ✓ Pens or Pencils for students
- ✓ Copies of the blank roster (included in Appendix 10 of this Guide)

**During the course:**

- ✓ Have each employee sign his/her name on the roster.
- ✓ Follow this Facilitator Guide.

**After the course:**

- ✓ Fax a copy of signed roster sheets to Debie Chivers at (208) 387-5452. Be sure to complete the information at the bottom of the first roster sheet of each session identifying the scenarios used for the training session.
- ✓ Retain a copy with each employee's training record.

## How to Interact with the Participants

Participants will view a series of video clip scenarios depicting workplace situations involving EEO, ethics, and conduct issues.

After each scenario, the DVD will stop to allow you to engage participants in a discussion of what they have just viewed.

After each scenario discussion start the DVD again and follow the onscreen directions.

The Participant Guide is organized to allow participants an opportunity to take notes and answers key questions you present to them. You, as facilitator, will guide a discussion on each question with participants.

Remember, audience participation in all discussions is the key to making this training work. You can encourage their participation by:

- Creating a classroom environment in which participants feel safe to speak up.
- Asking thought-provoking questions that do not always involve simple answers.
- Encouraging as many voices to enter the discussion as possible.

Here are some general ideas to consider when asking questions and guiding a discussion.

- Know the questions you will start with in advance of the discussion.
- Be prepared to clarify things when the discussion becomes confused.
- Encourage participants to contribute and when possible have them respond to the observations of their classmates before you add your input.
- Don't fear silence. It's absolutely essential. When you are responsible for facilitating a discussion, you may feel that a lack of response within one or two beats is stretching into an eternity. However, even if you have posed a very interesting question or situation, the participants will need some time to think and formulate a response.
- Occasionally, have the participants talk with one or two others about an answer or response for a minute or two before opening the discussion to the entire group.
- If key points are not coming up during the discussion insert them into the discussions either by talking about them directly or by asking a question that encourages participants to bring up the point.
- Be flexible.

## How to Create Your Training Program

You must select each scenario from the DVD menu as you facilitate the session.

Choose

- An introduction from Section A based on your audience
- Scenarios for Sections B through G
- A closing from Section H based on your audience

You can always choose more than one scenario from each section based on the needs of your organization. *You always must have at least one scenario from Section C.*

This Facilitator Guide includes directions for Sections B through H

**Section A** Page 8

**Section B** Pages 9 through 17

**Section C** Pages 18 through 27

**Section D** Pages 28 through 33

**Section E** Pages 34 through 40

**Section F** Pages 41 through 47

**Section G** Pages 48 through 54

**Section H** Page 55

## Do What's Right

The chart below lists all the scenarios along with the page references for each scenario for both the Facilitator and Participant Guides.

<b>Do What's Right Menu</b>		<b>Facilitator Guide Pages</b>	<b>Participant Guide Pages</b>
<b>Section A: Introduction and Expectations</b>			
A-1	Introduction and Expectations for Fire Audience	8	
A-2	Introduction and Expectations for Mixed Audience (Fire and non-fire)		
A-3	Introduction and Expectations for Non-Fire Audience		
<b>Section B: Inclusion and Respect</b>			
B-1	Off Duty Awkwardness – It's movie/game night at the guard station	9	3
B-2	Condescending Comments – A crew member is offended by her supervisor's remarks.	10	3
B-3	Supervisory Insensitivity – A new supervisor gives direction to a crew member on how to sharpen a chainsaw	11	3
B-4	Hazing Reported – An employee describes season-long hazing during his exit interview.	13	4
B-5	Spreading Rumors – An employee speaks to a fellow employee about spreading rumors.	15	4
B-6	Inappropriate Jokes – An employee complains about inappropriate jokes	16	4
<b>Section C: Discrimination and Harassment</b>			
C-1	Digging Derogatory Line – Line-digging employee expresses frustration with derogatory language	18	5
C-2	Inappropriate Reading Material: An employee is confronted about inappropriate reading material on an engine	19	5
C-3	Unwanted Touching – An employee is inappropriately touched while working in the dispatch office.	20	5
C-4	Passed over for Detail – An employee passed over for a detail discusses discrimination.	22	6
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C-6	Sexual Harassment: Season in Review – An employee reports season-long harassment to the FMO.	24	6

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C-7	Sexual Harassment: No Means No – A firefighter has trouble with a co-worker and asks others for advice.	26	7
C-8	Sexual Innuendos and Harassment – A crew member is asked to consider his behavior and that of the crew when someone from outside perceives the work area differently.	27	7
<b>Section D: Public Perception</b>			
D-1	Restaurant Rowdiness – A restaurant owner reports rowdy crew behavior to their supervisor.	28	8
D-2	Fire Assignment Misbehavior – A crew behaves inappropriately while returning from a fire assignment.	30	8
D-3	Inappropriate Public Comments – A crew makes inappropriate comments in front of ranchers.	31	8
D-4	Inappropriate Media Comments – Crew members get surprised by a news crew.	32	9
D-5	R&R Behavior – An FMO and a manager discuss a crew's reported behavior while on days off at an incident.	33	9
<b>Section E: Issues with Alcohol and Fitness for Duty</b>			
E-1	Playing with Policies – Crew members find a solution to a problem.	34	10
E-2	Hangovers – A crew member reports to work with a hangover.	35	10
E-3	Call Back After Drinking – A crew member reports for call back after drinking alcohol.	37	10
E-4	Hotel Rowdiness – Crew's rowdiness at a hotel while on detail is reported back to the FMO.	38	11
E-5	Prescription Drugs and Fitness for Duty – A crew member with a sore back tries to find a solution to his problem.	40	11
<b>Section F: Social Media</b>			
F-1	Double Dipping Photographer – An employee has a photography business.	41	12
F-2	Posting Affects Privacy – Posting photos on social media has consequences.	42	12
F-3	Posting Media Online – A firefighter's mom hears about an accident only a few hours after it occurred from someone outside the agency.	43	12
F-4	Unintended Consequences – How a firefighter passes the time when things slow down can have unintended consequences.	44	13

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F-5	Texting in the Workplace – A typical morning briefing becomes a lesson in situational awareness.	45	13
F-6	Social Networking – After-hours activities are spilling over into the workplace via Facebook.	47	13
<b>Section G: Ethical Behavior, Integrity and Policies</b>			
G-1	Hazardous Timekeeping – Coding time for a cancelled fire dispatch.	48	14
G-2	Excessive Equipment – An employee asks about donating equipment to her brother's class	49	14
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G-4	Hunting for Equipment – The District's fire leadership goes hunting for the weekend.	51	15
G-5	Online Gambling – An employee uses another employee's computer for online gambling.	52	15
G-6	The Ethics of Per Diem – A firefighter turns in his travel paperwork after a fire assignment.	54	15
<b>Section H: Closeout</b>			
H-1	Closeout for Fire Audience	55	
H-2	Closeout for Mixed Audience (Fire and Non-fire)		
H-3	Closeout for Non-Fire Audience		

## Section A: Introduction and Expectations

You have three introductions to choose from based on you target audience.

A-1: Introduction and expectations designed for an audience of primarily fire personnel.

A-2: Introduction and expectations designed for a mixed audience of fire and non-fire personnel. It also includes a welcome by a Fire Management Officer. The script of the FMO's remarks is found in Appendix 8 of this guide.

A-3: Introduction and expectations designed for an audience of non-fire personnel.

## Do What's Right

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## Section B: Inclusion and Respect

### B-1. Off-Duty Awkwardness

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It's movie/game night at the guard station.

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Discussion Questions:

*Let's start our discussion with the questions on page 3 of your guide.*

**Question #1:** *What do you do when the actions of others make you feel uncomfortable?*

**Question #2:** *Is what Nick said in the hallway appropriate?*

- Nick may be spreading rumors or warning a crew member about walking in on an uncomfortable situation.

**Optional Question:** *If you live in government-provided housing with others, how do you establish rules for being considerate of others?*

- Establish rules early in the year for use of common areas.
- Be considerate of others.

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Work romances can happen, don't let them affect crew cohesion.
- Know and understand there is a difference between providing useful information and sharing gossip.
- You need to remember to be considerate of other crew members when sharing common space.



## Do What's Right

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## B-2. Condescending Comments

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A crew member is offended by her supervisor's remarks.

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### Discussion Questions:

*Let's start our discussion with the questions on page 3 of your guide.*

#### ***Question #1:*** *Were there comments made that were inappropriate?*

- It would depend on how you took the comments.
- They may be considered inappropriate because Sarah thought they were. It revolves around how people take remarks, not how they are said.

#### ***Question #2:*** *Would you describe the engine boss as condescending or just concerned?*

- He needs to be aware of the possible side effects his comments. Sarah senses he doesn't think she is as strong or as capable as her male coworkers despite her experience and performance history.

#### ***Question #3:*** *What is Sarah's next step?*

- She should talk to the supervisor, someone in her chain of command or an EEO or HR professional.

### Optional Discussion Items:

*How could the supervisor have said the same thing without sounding condescending?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Evaluations or assessments made on broad generalizations of gender, race, national origin, religion, age, color or any of the other bases for discrimination are wrong.

NOTE: In the second scenario the supervisor doesn't single out Sarah.



## Do What's Right

**B-3. Supervisory Insensitivity**

A new supervisor gives direction to a crew member on how to sharpen a chainsaw.

Discussion Questions:

*Let's start our discussion with the questions on page 3 of your guide.*

**Question #1:** *What could Linda do to change her training technique so Susan is successful?*

- Realize that people have different learning styles.
- Consider whether the duties were appropriate for the level/grade of Susan's position.
- Sharpening chainsaws can be a difficult skill to learn and is usually the responsibility of a sawyer. It's not normally a task for a first year firefighter.

**Question #2:** *What could have each person done differently to improve crew cohesion?*

- The supervisor, Linda, is impatient and sarcastic with her employee.
- The supervisor did not offer much opportunity for Susan to respond.
- Susan needs to learn how to speak up for herself in an assertive but respectful way.
- Treat people with patience and respect.
- Make sure people are trained right the first time and get the training they need.
- Take the time to listen and understand what the situation or problem may be.
- Praise in public, discipline in private.

Optional Discussion Items:

*What advice could the male employee give Susan?*

- Encourage her to try the technique the supervisor showed her.
- Encourage her to have a private conversation with Linda about her concerns.

*Could this be a safety issue?*

- Supervisor should consider whether it's a good idea to have inexperienced employees repairing important equipment.

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Do What's Right

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Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Treat everyone with patience and respect.
- Make sure that people are trained right the first time. Make sure that you each get the training that you need.
- Take the time to listen and understand what the situation or problem may be.
- The supervisor sets the tone for the workplace.
- Praise in public, discipline in private.

## Do What's Right

## B-4. Hazing Reported

An employee describes season-long hazing during his exit interview.



### Discussion Questions:

*Let's start our discussion of with the questions on page 4 of your guide.*

#### ***Question #1:*** *What is hazing?*

- Hazing is considered a form of harassment. Hazing is defined as any action taken or situation created intentionally to produce mental or physical discomfort, embarrassment, or ridicule. You can refer participants to the definition in the Glossary in Appendix 1 of the Participant Guide.

#### ***Question #2:*** *What is acceptable treatment of new employees?*

- New employees should be treated the same as any other employee. The fact that they are new isn't a factor. They have the same rights to a safe and respectful work environment as everyone else.
- Training, crews, and job assignments are made by supervisors based on the skills, qualifications, and experience of individuals and the needs of the unit. Like anyone else, new employees have to gain the trust and respect of their co-workers.

#### ***Question #3:*** *What responsibilities do we have when we become aware that hazing is occurring?*

- Crew members have the responsibility to treat all others with respect and not participate in hazing.
- Crew members have the responsibility to stop hazing when they are aware that it is occurring. Let the supervisor know what's going on. If that is not possible bring it to someone else's attention. This could involve talking with a higher-level supervisor or another agency official. In some cases a crew member may be in a position to talk to the people doing the hazing and ask them to stop.
- Tell the person who is being hazed that they do not have to accept that behavior and advise them on what they can do.
- Any employee who believes he or she is being hazed has the right to speak up about the situation. This employee should talk to a supervisor sooner rather than later. He or she has the right to speak with someone in Human Resources (HR) or in the Equal Employment Opportunity Office (EEO).

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*Will hazing have an effect on how people feel included in the organization?*

*Is there any level of different treatment of new employees that's acceptable?*

*What's the difference between the duties that new employees typically do and hazing?*

Do What's Right

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Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- If you witness hazing, report it to your supervisor or other appropriate officials.
- Treat each other with respect and maintain a work environment free of harassment.

## Do What's Right

## B-5. Spreading Rumors

An employee speaks to a fellow employee about spreading rumors.



### Discussion Questions:

*Let's start our discussion with the questions on page 4 of your guide.*

**Question #1:** *What impact does spreading rumors have on a crew?*

- Affects inclusion.
- Rumors in your workplace, started based on subtle signs, cause people to jump to conclusions.
- Spreading rumors can negatively impact crew cohesion. Breakdown of crew cohesion is a safety issue.
- Spreading rumors is not professional and does not reflect the values of duty, integrity and respect.

**Question #2:** *What is right about what you see here?*

- Carlos is dealing with this at the lowest level.
- Peer-to-peer discussion is the best place to start to deal with the problem.
- Carlos confronts JT about his disrespectful and inappropriate behavior.
- Carlos stresses the effect these rumors may have on the crew and Jess.
- Carlos is very clear about what he will do if the rumors don't stop.
- Carlos stepped up to be a leader.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*Can a situation like this result in a safety issue?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Even if you didn't start the rumor, when you spread it, you're contributing to a destructive work environment.
- Step up and let people know when their actions are causing problems.

## Do What's Right

## B-6. Inappropriate Jokes

An employee complains about inappropriate jokes.



### Discussion Questions:

*Let's start our discussion with the questions on page 4 of your guide.*

**Question 1:** *How do you know when behaviors become inappropriate and begin to compromise crew cohesion?*

Facilitator Note: The tendency will be for the conversation to move toward what is appropriate and what is not, getting deep into the weeds on this. Focus instead on behaviors that affect crew cohesion because that is a measure everyone can relate to.

If management or a supervisor becomes aware that comments are offensive they must take prompt corrective remedial action reasonably calculated to stop the harassing behavior and prevent other employees from engaging in similar behavior.

- Even just one person, who feels offended or hurt, affects group cohesion. To restore group cohesion someone's behavior needs to be reconsidered or changed. The issue needs to be dealt with.
- Everyone's tolerance to joking is different. Resolve inappropriate behavior early and at the lowest level.
- We all have an obligation and responsibility to say something if we see inappropriate behavior.
- If your comments are potentially destructive, don't say them.
- Behaviors are inappropriate as soon as they have the potential of adversely affecting crew cohesion.

**Question 2:** *Did Jen show leadership? How would you have handled the situation?*

- She showed leadership by letting folks know their behavior is inappropriate.

*What about Kayla's advice that Justin should say something?*

- ✓ Speak to the offender
- ✓ Go to the crew boss or supervisor
- ✓ Got to HR or EEO.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Do What's Right

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Key Points Brought Out In the Debrief:

- We all have a responsibility to speak up when we see behavior that seems to be inappropriate.
- Our organization has a zero tolerance for misconduct or any other inappropriate behavior.

## Section C: Discrimination and Harassment

### C-1. Digging Derogatory Line

Line-digging employee expresses frustration with derogatory language.



#### Discussion Questions:

*Let's start our discussion with the questions on page 5 of your guide.*

**Question #1:** *What are the issues addressed in this scenario?*

- Negative language expressed about the assignment.
- The use of a term that is offensive.
- Derogatory language can cause crew cohesion and inclusion problems.
- PJ never took a drink when he was ordered to hydrate.

**Question #2:** *What else could the supervisor do?*

- Talk to PJ and Sara about their use of the derogatory word.
- Talk to PJ about his negative attitude
- Discuss with the crew how important crew cohesion is.

#### Optional Discussion Items:

*Did anyone notice the PPE issues in this scenario? Have any of you experienced a situation like this?*

- Firefighters aren't wearing safety goggles, which may be okay unless it was identified in a risk assessment. (Refer to Interagency Standards for Fire and Aviation Operation, 2013, Chapter 7, page 11.)

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

#### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

#### Key Points Brought Out In the Debrief:

- We need to be aware that grumbling can affect crew cohesion and morale and it may even influence the public.
- Use of slang isn't worth the damage it can cause a crew.
- Discrimination in any form is destructive to the work environment.

## Do What's Right

## C-2. Inappropriate Reading Material

An employee is confronted about having inappropriate reading material on an engine.



### Discussion Questions:

*Let's start our discussion with the questions on page 5 of your guide.*

#### **Question #1:** *Is the employee's defensiveness justified?*

- There is a government property issue involved. The vehicle where the magazine was hidden is government property, and nowhere in or on government property is pornographic material appropriate or allowed.
- The employee's good intentions of keeping the material hidden do not matter. The employee has no defense that will stand up to scrutiny.
- While the material was hidden, it was found and caused another employee to feel uncomfortable.

#### **Question #2:** *What are our responsibilities in the workplace in situations like this?*

- We all have a responsibility to help create a harassment-free workplace.
- We have a responsibility to treat others with respect. Having pornographic materials in the work environment fails to respect the rights of others and violates the zero tolerance of sexual harassment policy.
- Employee also showed a disrespectful attitude toward the employee who turned in the magazine. We should be respectful of other employees at all times.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*Could this situation cause a safety concern?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Material you think is not offensive can be very offensive to others.
- Pornographic material, when found or viewed by others, may constitute sexual harassment.

## Do What's Right

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### C-3. Unwanted Touching

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An employee is inappropriately touched while working in the dispatch office.

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#### Discussion Questions:

*Let's start our discussion with the questions on page 5 of your guide.*

#### ***Question #1:*** *What can you learn from this scenario?*

- It's not your intent; it's the impact of what you do.
- The unacceptable behavior is the unwanted touching of the female employee by the male employee after being told previously not to touch her. The man in the video continues to touch this woman even after being told not to do it.
- Even if the touching seems inconsequential to the male employee, he needs to respect the fact that he was asked to stop the behavior. He hasn't followed the wishes of the woman for him to leave her alone.
- If an employee looks uncomfortable with another employee's behavior; assume they probably are uncomfortable. We all have a responsibility to create a harassment-free workplace and treat each other with respect.
- The workplace includes traveling in vehicles and being on the fireline. The rules apply in all the various workplaces where employees may find themselves.

#### ***Question #2:*** *What rights does the female employee in this scenario have?*

- She has the right to have a harassment-free workplace and to feel comfortable at work.
- She has the right to have her request not to be touched honored.
- She has the right to talk to her supervisor about the incident.
- If she felt she was being harassed, she could contact an EEO Counselor. Generally this should be done within 45 days of the harassment.
- This protection under the law applies to all employees, not just women.

#### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*How is this situation a safety issue?*

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

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Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Behaviors like these can not only distract someone from their work, but it may affect their performance and compromise the safety of everyone involved.
- If something like this happens to you and you are uncomfortable, let someone know.

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## C-4. Passed Over for Detail

An employee passed over for a detail discusses discrimination.



### Discussion Questions:

*Let's start our discussion of with the questions on page 6 of your guide.*

***Question #1:*** *Was Jess on the right track with her plans to proceed?*

- Yes, she was dealing with the problem at the lowest level.
- Yes, she had a progressive plan with steps a, b, and c.

***Question #2:*** *When do you think a situation like this might be considered discrimination?*

- If it is based on the person's protected class – race, national origin, color, sex, religion, age (over 40), disability, genetic information or reprisal. (Students can name them)
- If so, what steps should Jess take?
  - See an EEO counselor or EEO professional.

### Optional Discussion Items:

*Could there be a legitimate reason Jess wasn't chosen for the detail?*

- Yes – qualifications, experience, needs of the office, request from the other office.

*What protected group is the subject of this scenario?*

- Sex – Jess said she was treated differently because she is a woman.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out in the Debrief:

- Discrimination in any form is destructive to a cohesive work environment.
- If an employee has an issue with a decision made by management or their supervisor, it's important to go through the chain of command and take the time to research the answers.

## Do What's Right

## C-5. Racial Stereotyping

An employee stereotypes another employee by using racial humor.



### Discussion Questions:

*Let's start our discussion with the questions on page 6 of your guide.*

**Question #1:** *How do you feel about how Carlos handles Mike's comments?*

- Carlos did the right thing. He could have gotten angry which would have caused problems later.
- Carlos didn't overreact.
- Carlos handled the problem at the lowest possible level.
- He handled the problem and refocused back on the work at hand.

**Question #2:** *What can each of us do to support respect in a diverse workplace?*

- Silence equals consent.
- Treat everyone equally and fairly.
- If we have a problem let someone know. Solve the problem at the lowest possible level.
- If we see inappropriate behavior we need to speak up.
- Avoid discriminatory humor, comments and actions.
- Know what discrimination is and avoid it. Discrimination is against the law and certainly detracts from a cohesive work environment.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

### Local Discussion Items:

**Facilitator Note:** This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- All employees have a right to a workplace free of discrimination.
- The law says we treat everyone fairly. We also ask you to treat others with dignity and respect.

## Do What's Right

## C-6. Sexual Harassment: Season in Review

An employee reports season-long harassment to the FMO.



### Discussion Questions:

*Let's start our discussion with the questions on page 6 of your guide*

#### **Question 1:** *How could this have been resolved earlier in the season?*

- All parties could have seen this behavior earlier and done something about it.
- Kayla could have mentioned it to supervisor earlier in the season.
- Glenn, the supervisor, could have talked with Kayla and the other employees throughout the season to make sure everything was okay.
- If other employees witnessed any of the behaviors they could have talked to Kayla, Matt or the supervisor.

#### **Question 2:** *What could the supervisor have done to prevent this issue?*

- Don't appear to condone any inappropriate behaviors.
- Model the leadership values of duty, integrity and respect.
- Talk with employees often to see how they are doing.

#### **Question 3:** *What should the FMO do next?*

- Consult with an EEO Professional.
- All supervisors should cultivate a good relationship with HR, ER, and EEO professionals. If there are specific processes in your state for handling these issues, please share. When a situation like this arises, call a professional you feel can help and provide the advice you need.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

Do What's Right

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- Unwanted sexual advances can interfere with an individual's work performance or create an intimidating, hostile or offensive work environment.
- Supervisors must engage and help defuse the conflict and get it resolved to a state where it is not causing morale problems.

## Do What's Right

## C-7. Sexual Harassment: No Means No

A firefighter has trouble with a co-worker and asks others for advice.



### Discussion Questions:

*Let's start our discussion of Scenario Five with the questions on page 7 of your guide.*

**Question 1:** *Kim said she tried to make her point to Carter that she was not interested. What would you tell her?*

- She could raise the issue with her supervisor.
- Kim could talk to someone in the EEO Office or the Human Resources Office.
- Kim needs to let her supervisor know. Because when there are allegations of harassment, they are immediately investigated through the Expedited Process. (The procedure for an Expedited Process—which means someone will look into the issues—is included in Appendix 5.)

**Question 2:** *When does flirting become harassment?*

- When the individual you are flirting with appears to be uncomfortable or tells you they are not interested.
- She has said no to the other employee.

### Optional Discussion Items:

*Does Adam (the employee Kim talked to) have any responsibility here?*

- Adam should let the supervisor know of Kim's concerns about Carter before it causes more problems with the crew.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

- Ask attendees to review Appendix 7: Prevention of Sexual Harassment Quick Reference Guide.
- This would be a good time to discuss the policy on prevention of sexual harassment.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out in the Debrief:

- Employees who do not want to talk to their supervisors should talk to an EEO or HR professional.
- All employees have a right to a workplace free of discrimination and harassment.

## Do What's Right

## C-8. Sexual Innuendos and Harassment

A crew member is asked to consider his own behavior and that of the crew when someone from outside the crew perceives the work area differently.



### Discussion Questions:

*Let's start our discussion with the questions on page 7 of your guide.*

**Question 1:** *Some people are offended by bad language and sexual comments. How can this affect the morale and cohesiveness of an organization?*

- Everyone has the right to work in an environment free from harassment and discrimination.
- This kind of behavior can lead to problems with crew cohesiveness, morale and even safety.

**Question 2:** *What kind of reputation would you like your organization to have?*

- A work environment that is professional and welcoming to others.

### Optional Discussion Items:

*How do others see your environment?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- We want to aim for a work environment that is professional.
- We should all assess our own work environment to ensure it is welcoming and professional to others.
- It's important to set the line of what is and is not appropriate.

## Do What's Right

## Section D: Public Perception

### D-1. Restaurant Rowdiness

A restaurant owner reports rowdy crew behavior to their supervisor.

#### Discussion Questions:

*Let's start our discussion of with the questions on page 8 of your guide.*



#### **Question #1:** *What is the impact of the crew's behavior?*

- According to the restaurant owner the crew members used offensive language. He said they offended both his employees and his customers with their language and adversely affected his ability to run a successful business.
- As employees, these crew members represent the government whether they think they do or not. Because of their behavior, they were not good representatives of the government. They have not fostered public confidence or trust. They have not represented themselves, the crew, and the agency in a positive way.
- Employees working for a federal agency have the responsibility to act in a way that reflects well on the agency and the government. Employees must act with integrity in order to promote public confidence and trust.
- Crew members must try to build a good reputation with all the people they encounter.
- If you have some specific expectations about public behavior for your office or crew, use it here.

#### **Question #2:** *What behavior does the public expect?*

- Public employees are held to a higher standard, because the public pays our salaries.
- Inappropriate language can make people uncomfortable; they may be personally offended. This is true of people in the workplace and in the public at large. This inappropriate use of language can leave other people with a bad impression of government employees.
- Consequences of inappropriate behavior include disciplinary action to employees and damage to the reputation of the crew and the agency.
- The public has the right to expect that crew members will behave professionally while providing the services paid for with their taxes.
- The restaurant is an extension of the worksite. Sometimes the work place is a public place. Employees need to always represent themselves in a professional manner.

Do What's Right

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Optional Discussion Items:

*Have any of you experienced a situation like this?*

*What message should management give to the crew about appropriate behavior and expectations?*

*Should management response be any different if the crew was on the clock or off the clock?*

*What are the rules when the crew is wearing crew t-shirts or uniforms?*

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Stay professional and remember you represent our organization in everything you do.
- Our organization has a zero tolerance for misconduct and other inappropriate behavior.

## Do What's Right

**D-2. Fire Assignment Misbehavior**

A crew behaves inappropriately while returning from a fire assignment.

Discussion Questions:

*Let's start our discussion with the questions on page 8 of your guide.*



**Question #1:** *How should the engine boss have handled the situation?*

- Apologize to the family for the inappropriate behaviors.
- Call the crew aside and review your expectations of their behavior.
- Remind this crew that they are always in the public eye.
- Speak to the crew about their sloppy dress.

**Question #2:** *What if this behavior happened out of the public eye?*

- We are always potentially in the public eye.
- Horseplay can be dangerous.
- Many members of the public look up to us.
- Inappropriate behavior in public invariably gets back to your supervisor.
- We want and need the support of the community for the firefighting mission.
- The lasting effect of negative perceptions is hard to overcome.
- No matter how much you think you are alone there is always some member of the public including homeowners, the media and agency officials who might see you and misinterpret your actions.

Optional Discussion Items:

*Have any of you experienced a situation like this?*

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Poor behavior on the part of a few reflects on everyone.
- You are representing a large organization and the image you portray to the public is important.

## Do What's Right

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## D-3. Inappropriate Public Comments

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Crew members make inappropriate comments in front of ranchers.

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### Discussion Questions:

*Let's start our discussion with the questions on page 8 of your guide.*



### ***Question 1:*** *What should the supervisor have done when he got out of the engine?*

- The supervisor should have approached and greeted the ranchers/permittees. He should have talked to the crew beforehand about how to act when meeting with the ranchers.
- He should have told the crew, “You need to be respectful to the public—not judgmental.”
- In this case, the ranchers’ livelihoods are at stake—be sensitive to the situation.
- You must keep in mind we’re there to protect the public lands.

### ***Question 2:*** *What does the public expect?*

- We put in an honest day’s work for an honest day’s pay.
- That we will always work on a positive relationship with the public—when the fires end, our relationship with them doesn’t end.
- We’ll consider the issues from their perspective.

### Optional Discussion Items:

*What is the public perception of a good fire season compared to how firefighters perceive one?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Anything you do can reflect poorly on the organization.
- When you’re in uniform or in a government vehicle, the eyes of the public are on you.
- The Bureau’s definition of a good fire season is when firefighters and the public are safe and property and resources are protected.

## Do What's Right

## D-4. Inappropriate Media Comments

Crew members are surprised by a news crew.



### Discussion Questions:

*Let's start our discussion with the questions on page 9 of your guide.*

#### ***Question 1:*** *How would you have handled this situation?*

- Follow local policy on who talks to the media.
- Acknowledge the public can take comments the wrong way – “great” fire season means something different to different people.
- Make sure you know who can talk to the media so you can answer their questions and point them in the right direction.
- Make sure you understand the public’s point of view.
- Display professionalism and the right attitude.

#### ***Question 2:*** *Which statements made by the firefighters will be on the evening news tonight?*

- We’re having a “bad” fire season.
- We’re not making any money.

### Optional Discussion Items:

*What should be the expectation of the public?*

- We put in an honest day’s work for an honest day’s pay.
- That we will always work on a positive relationship with the public.
- Being a civil servant means keeping in mind the public’s perspective.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out in the Debrief:

- Follow your local policy on who should talk to the media.
- Different people have different perspectives on a “good” fire season.

Do What's Right

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D-5. R & R Behavior

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An FMO and a manager discuss a crew's reported behavior while on R & R.

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Discussion Questions:

*Let's start our discussion with the question on page 9 of your guide.*

**Question 1:** *The public knows very little about our profession and what we do. How can we make sure we are presenting ourselves well while in public?*

- Be professional – even when off the clock – you're always in the public eye.
- You represent your crew, your agency, and all wildland firefighters.
- The public may not understand your behavior even when you are not doing anything wrong.

Optional Discussion Items:

*What's the purpose of days off at an incident?*

*What is our local policy regarding alcohol use when on fire assignment and on days off at an incident.*

- Discuss local policies and management direction for days off at an incident and fire assignments.

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- You represent the organization no matter if you are on or off the job.
- You should manage your fatigue while on R&R.
- You can't control when actions are misinterpreted, but we can control the image we portray.

## Do What's Right

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## Section E: Issues with Alcohol and Fitness for Duty

### E-1. Playing with Policies

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Crew members find a solution to a problem.

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Discussion Questions:

*Let's start our discussion with the questions on page 10 of your guide.*

**Question #1:** *Is this “technically” breaking the rules? What is the role of rationalization in their actions?*

- If you look for loopholes or technicalities, you are probably breaking the rules.
- They are using government extension cord and power for the beer fridge.

**Question #2:** *What is Darren's liability in buying beer for an underage crew member?*

- Providing alcohol to minors is against the law.

Optional Discussion Items:

*What is your policy on allowing alcohol at a guard station? Please explain local policy and expectations.*

*Have any of you experienced a situation like this?*

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- When you start to look for loopholes or technicalities, you have probably gone too far.
- Rules for your unit need to be set early and understood and accepted by all.



## Do What's Right

## E-2. Fitness for Duty: Hangovers

A crew member reports to work with a hangover.

### Discussion Questions:

*Let's start our discussion with the questions on page 10 of your guide.*



### ***Question #1:*** *What should the supervisor do immediately?*

- The supervisor should assess the situation and send individuals home who are not fit for duty.
- The supervisor has the authority to send an employee home.

### ***Question #2:*** *What are some other issues to consider?*

- If the employee is drunk, don't let them drive home.
- Some states have legalized possession and use of marijuana; but, it is still against Federal law. If you test positive for marijuana, you will be disciplined. There is zero tolerance for marijuana use.
- Applicants will not be hired if they test positive for illegal drugs.
- Employees should report to work fit for duty. Employees must show up for work in a condition to fulfill their duties. Employees can be disciplined for not being fit for duty.
- The hung-over crew members may not be at the top of their game. The overall safety of the crew requires that each one pulls his or her weight. Hung-over crew members may be more of a liability than a help, especially in an emergency situation. They may perform poorly on the fire line. The rest of the crew will have to cover for them.
- Crew members have a right to expect their work environment will be as safe as possible. Safety becomes a large concern when impaired or hung-over crew members are on the job. They can and do cause accidents. They can cause a crew to be shorthanded or lose their only driver. Impaired and hung-over crew members can put their own unit, as well as the resources and lives they are expected to protect, at risk.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*How is this situation a safety issue?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Do What's Right

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Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- Firefighter and public safety is our number one priority.
- You could be called back to work at any time and at any hour of the evening; if you are impaired or unable to perform your duties at a full performance level, it's a safety concern.

## Do What's Right

### E-3. Call Back After Drinking

A crew member reports for call back after drinking alcohol.



#### Discussion Questions:

*Let's start our discussion with the questions on page 10 of your guide.*

#### ***Question #1:*** *What is responsibility of the supervisor?*

- Order other resources; don't let the impaired employee drive.

#### ***Question #2:*** *What is the responsibility of the employee who had been drinking?*

- Employees have a responsibility to inform their duty officer that they have had some drinks before they report to work.
- The duty officer should not let the employee drive.
- Be aware that the legal drinking age is 21.
- Refer to local policies on alcohol use when called back to work.
- When it comes to alcohol use everyone needs to use their best judgment and err on the side of caution.
- Employees must be able to perform their jobs at a satisfactory level and be fit for duty.

#### Optional Discussion Items:

*Have any of you experienced a situation like this?*

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

#### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

#### Key Points Brought Out In the Debrief:

- Your supervisors have an expectation that when you report to work you're ready and capable to do the work and do it safely.
- Don't compromise firefighter and public safety by being unfit for duty.

## Do What's Right

## E-4. Hotel Rowdiness

A crew's rowdiness at a hotel while on a detail is reported back to the FMO.



### Discussion Questions:

*Let's start our discussion with the questions on page 11 of your guide.*

***Question 1:*** *If you were the supervisor what points would you bring out when you met with the crew?*

- Impact on the unit's professional reputation
- Safety and fitness for duty
- Public perception
- Destruction of property and breaking the law
- Off-duty misconduct unbecoming a federal employee can result in disciplinary action.

***Question 2:*** *How difficult will it be to overcome the disapproval of those who witnessed or heard about the behavior?*

- Affects public perception as well as in the Bureau.
- One bad incident can affect the reputation of an entire state.
- Nobody talks about the crews that didn't get in trouble. "Hey, did you hear about that crew that went to \_\_\_\_\_ and did a great job?"
- You must always act in a way that will strengthen public confidence in your role as a public servant and an employee of the Federal government.
- Treat other's property with respect.

***Optional Question:*** *Do you think these employees are fit for duty?*

- There could be a legal issue if anyone bought alcohol for someone who is under 21.
- Employees must be able to perform their duties at a satisfactory level.
- Reporting to work while under the influence of alcohol or drugs can result in a written reprimand or removal from your job.
- Firefighting is an inherently dangerous job where firefighters depend on each the other. Reporting to work unfit is a huge safety issue.

### Optional Discussion Items:

Discuss local policy for behavior on details, alcohol use while on detail.

Do What's Right

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Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- What happens on the road doesn't always stay on the road.
- It's a safety concern when you're impaired or unable to perform your duties at the full-performance level.
- Incidents like this not only affect the image and reputation of the crew, they reflect on the entire community.

## Do What's Right

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## E-5. Prescription Drugs and Fitness for Duty

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A crew member struggling with a sore back tries to find a solution to his problem.

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### Discussion Questions:

*Let's start our discussion with the questions on page 11 of your guide.*



***Question 1:*** *Is Alan (the person taking the drug) fit for duty?*

- No, he was complaining of a bad back and we're unsure if he'll be able to perform his duty in a safe and effective manner.
- No. He has taken a drug he doesn't know anything about how it could affect him.

***Question 2:*** *Are we expected to report injuries, even if they occurred off the job?*

- Yes, because the injury could make us unable to perform our duties.

***Question 3:*** *Should the crew member talk to his supervisor about reasonable accommodation?*

- Yes, especially, if they are unable to perform assigned duties.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out in the Debrief:

- We have zero tolerance for illegal drug use, which includes prescription drugs.
- You must be fit for duty.
- Injuries that impair your ability to work safely and effectively should be reported to your supervisor.

## Section F: Social Media

### F-1. The Double Dipping Photographer

An employee has a photography business.



#### Discussion Questions:

*Let's start our discussion with the questions on page 12 of your guide.*

**Question #1:** *Is selling photos you took on government time legal?*

- It is a violation of federal code (5CFR 2635.101(b)) to use a federal job for private gain.
- Federal law prohibits employees from participating in a commercial activity that interferes with official duties and responsibilities.

**Question #2:** *What are the appropriate uses of photos and videos?*

- They can sometimes be used as documentation for accidents and events.

**Question #3:** *What are the safety concerns of taking pictures at an incident?*

- It's impossible to practice "looking up, looking down, looking all around" when you are focusing on taking photos.

#### Optional Discussion Items:

*Have any of you experienced a situation like this?*

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

#### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

#### Key Points Brought Out In the Debrief:

- You can't be paid by an outside source for activities while you are on duty.

## Do What's Right

## F-2. Posting Affects Privacy

Posting photos on social media has consequences.

### Discussion Questions:

*Let's start our discussion with the questions on page 12 of your guide.*

### ***Question #1:*** *When is posting a photograph considered harmless?*

- It can always be harmful because you can't control the distribution and the length of time people have access to it.
- You should answer these questions before you post:
  - Will it hurt or embarrass someone?
  - Will it portray employees in a negative light?

### ***Question #2:*** *Are there benefits and consequences of using personal social media on the job?*

- It may be used to document accidents or events.
- You could lose situational awareness by getting involved taking pictures.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

*Could this be a safety issue?*

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Once a video or photo is posted on a social media site, it will be available to a possible world-wide audience.



## Do What's Right

### F-3. Posting Media Online

A firefighter's mom hears about an accident only a few hours after it occurred from someone outside the agency.



#### Discussion Questions:

*Let's start our discussion with the questions on page 12 of your guide.*

**Question 1:** *Who do you think placed the rollover video on the Internet and do you think it was very responsible?*

- Could have been a crew member or someone else at the accident scene.
- Taking the time to take the video could have compromised safety of the individual and their co-workers.

**Question 2:** *If a firefighter is taking pictures and videos during an incident such as this, how does this affect situational awareness?*

- Anytime someone is distracted from their primary mission, it will affect situational awareness and compromise their safety and the safety of others.

#### Optional Discussion Items:

*When is it okay to do this?*

- *Tools like this can allow great images and information that can be shared with family and friends, the home unit and national audiences.*
- *Always be mindful to not post material that portrays firefighters in unsafe, unprofessional, or embarrassing situations.*

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

#### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

#### Key Points Brought Out in the Debrief:

- Information gathered can be used to help document accidents and provide information to investigative teams.
- We don't want material posted that portrays firefighters in unsafe, unprofessional or embarrassing situations.
- We never want to lose our situational awareness.
- We must consider the sensitivity of family members.

## Do What's Right

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## F-4. Unintended Consequences

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How a firefighter passes the time when things slow down can have unintended consequences.

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### Discussion Questions:

*Let's start our discussion with the questions on page 13 of your guide.*

**Question 1:** *The tweeter, WildlandZ\_Fighters, said she does this to pass the time. Is it an appropriate way to spend that time or is there something else she should be doing?*

- Don't forget you always have a day job and to make sure that work is done first.
- Don't let using social media affect your safety or productivity.
- Recognize there are slow times during the fire season and find ways to spend time effectively.

**Question 2:** *What should we consider before posting anything on-line or elsewhere about our agency or work environment?*

- What you may intend as private opinions may come across as agency policy – make sure you state that the posting is your personal opinion.
- You shouldn't post any material that wouldn't be appropriate for a bulletin board or to talk about at an all-employee meeting.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out in the Debrief:

- Don't give the appearance you are speaking for the agency.
- Never post confidential or proprietary information.
- If material isn't appropriate for your office bulletin board or to discuss at an all-hands meeting, it isn't appropriate for online posting.

## Do What's Right

## F-5. Texting in the Workplace

A typical morning briefing becomes a lesson in situational awareness.



### Discussion Questions:

*Let's start our discussion with the questions on page 13 of your guide.*

**Question 1:** *Was the supervisor's approach to this problem effective? How does he set the standard early in the season?*

- The supervisor needs to set standards early in the season by explaining the policy to the employees and sticking with it.
- He should have discontinued the briefing until all phones were turned off.

**Question 2:** *How can texting during work hours affect the workplace?*

- Texting while performing any duties can compromise safety.
- It could mean the difference being safe and not being safe on the fireline today.
- Employees can compromise safety by paying attention to the phone rather than what is happening around them.
- Texting on a government phone while driving a vehicle is prohibited by executive order.

**Question 3:** *Under what circumstances might this compromise safety?*

- When we are paying attention to the texting and not the situation at hand.
- When we are trying to get the perfect photo or video, we could compromise safety of ourselves and others.

Other Information from a study by the Virginia Tech Transportation Institute.

- Texting while driving increases the risk of accidents 23.2 times over unimpaired driving.
- Texting while driving results in longer response times than even drunken driving. While an unimpaired driver can respond quickly to changes in traffic and begin braking within half a second, a legally drunk driver needs four additional feet to begin braking—and a driver who's texting needs 70.

### Optional Discussion Items:

*Could texting ever be considered a violation of EEO policy?*

- Yes, if the text is offensive because of someone's protected class—race, national origin, color, sex, religion, age (over 40), disability, genetic information.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Do What's Right

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Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- We must maintain situational awareness at all times.
- Executive Order 13513 prohibits texting on a government phone while driving a vehicle.
- Text messages may be saved, downloaded and printed.
- You shouldn't text anyone anything you wouldn't say to them in person or wouldn't want others to see.

## Do What's Right

## F-6. Social Networking

After-hours activities are spilling over into the workplace via Facebook.

### Discussion Questions:

*Let's start our discussion with the questions on page 13 of your guide.*



***Question 1:*** *When will material on your Facebook page become a concern for the agency?*

- When you expose people you work with to embarrassment and show them as unprofessional.
- People could draw incorrect conclusions about the agency
- You could be held accountable for postings that are harmful to the agency or co-workers.
- Morale could be hurt if co-workers object to others posting pictures.

***Question 2:*** *What potential problems might arise if there is an actual relationship between the supervisor and the employee?*

- It could be viewed as the supervisor giving Karen preferential treatment or favoring her over others, which is illegal.
- If the supervisor is making decisions based on non-work or non-merit factors, it could be considered a prohibited personal practice.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- When used carelessly, social media postings can expose people to embarrassment, identity theft and online predators.
- You are accountable for your actions online just as you are in the office, if they involve the people you work with.

## Do What's Right

## Section G: Ethical Behavior, Integrity and Policies

### G-1. Hazardous Timekeeping

Coding time for a cancelled fire dispatch.



#### Discussion Questions:

*Let's start our discussion with the questions on page 14 of your guide.*

#### **Question #1:** *Is falsifying your timesheet worth the risk?*

- No, employees are responsible for completing their timesheet truthfully. In an instance like this, if they believe that coding for hazard pay was incorrect, they should speak up.
- This kind of issue is being reviewed and audited frequently. You must ensure accuracy.
- Miscoding can lead to disciplinary action. (Refer to the Table of Penalties in Appendix 9)

#### **Question #2:** *What are the supervisor's responsibilities?*

- Supervisors are responsible for the accuracy of the timesheets they approve. It's their responsibility to know the rules and regulations for coding time.

#### Optional Discussion Items:

*Have any of you experienced a situation like this?*

The Disciplinary Action Guide Table of Penalties is included in Appendix 9. You can use this to illustrate what can happen when time is miscoded.

#### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

#### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

#### Key Points Brought Out In the Debrief:

- We need to be accountable to the people paying our salaries.
- Supervisors are responsible to know the rules and regulations for coding time.

Note to Facilitator: You don't want to let the discussion go to what is and is not accurate time coding, because the crew did not actually get to the fire.

## Do What's Right

## G-2. Excessive Equipment

An employee asks about donating equipment to her brother's class.

### Discussion Questions:

*Let's start our discussion with the questions on page 14 of your guide.*



**Question #1:** *When is it acceptable to take government property? What if it's for really good causes – schools, charities?*

- It is never acceptable to take government property.
- Property has nothing to do with trust. It is government property. We are accountable to the public.
- Information on legal disposal of government-owned personal property is found in the guidebook, G-1520-6 Personal Property Disposal. Check with a property management staff.

**Question #2:** *What would your advice have been to the employee? Would it have been any different than Jess's advice?*

- Jess had a good suggestion. I would check with property management staff.

**Question #3:** *What are your responsibilities with government property? What about fire equipment?*

- Ensuring that all property is used for official purposes only. If you think you have an exception talk to a property management staff.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

The Disciplinary Action Guide Table of Penalties is included in Appendix 9. You can use this to illustrate what can happen to employees when they take government property.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- Property that is about to be surplus still belongs to the government.

## Do What's Right

### G-3. Saving Safety Glasses

A crew is replacing damaged safety glasses.

Discussion Questions:

*Let's start our discussion with the questions on page 14 of your guide.*



**Question #1:** *What is the process for purchasing supplies and equipment? What is appropriate when purchasing equipment?*

- Procurement is complicated and procedures change. Ask a procurement specialist/expert. There are no stupid questions.

**Question #2:** *What does “pass the red face test” mean to you?*

- Being able to show what I did was correct enough it could be published in the paper without embarrassing me.
- Some people also call it “TUO” testifying under oath – would you be comfortable TUO about your decision?

**Optional Question:** *If you have a purchase card, what are your responsibilities?*

- Use this scenario to discuss purchasing and credit card use.

Optional Discussion Items:

*Have any of you experienced a situation like this?*

Local Discussion Items:

**Facilitator Note:** This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

**Key Points Brought Out In the Debrief:**

- Would you want your purchasing decision publicized by the media?
- As government employees, we have a responsibility to not spend more money than we need to.

## Do What's Right

## G-4. Hunting for Equipment

The FMO and AFMO go hunting on the weekend.

### Discussion Questions:

*Let's start our discussion with the questions on page 15 of your guide.*

### ***Question #1:*** *Is it ever appropriate to borrow government equipment?*

- No, both employee and supervisor are responsible for the equipment, if something happens to it.
- Ensure that all property is used for official purposes only. Official purposes are “activities or actions required to accomplish specific job elements of Bureau work, or in direct support of authorized Government programs, objectives, and goals.” If you think you have an exception talk to your property management staff.

### ***Question #2:*** *What if the employees are leaders in the organization? What example are they making?*

- Leadership sets the tone for an office.
- Actions as leaders, whether right or wrong, are viewed by employees as okay.

### Optional Discussion Items:

*Have any of you experienced a situation like this?*

The Disciplinary Action Guide Table of Penalties is included in Appendix 9. You can use this to illustrate what can happen when employees misuse government property.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

### Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

### Key Points Brought Out In the Debrief:

- You can't borrow government property for personal use.



## Do What's Right

## G-5. Online Gambling

An employee uses another employee's computer for online gambling.



### Discussion Questions:

*Let's start our discussion with the questions on page 15 of your guide.*

#### ***Question #1:*** *What behaviors are inappropriate in this situation?*

- User IDs are to be used only by the individual they are assigned to.
- Using a government computer for gambling is prohibited. It doesn't matter if you are in the office or signing on remotely. It doesn't matter if you are using a BLM computer or one available in fire camp. Use of all government computers in all these situations is monitored.
- When you get up from your computer you should lock it to password protect it.
- When at work you should be conducting government business.

#### ***Question #2:*** *What are the possible consequences?*

- You are accountable for ALL activity under your account.
- You can be held responsible for sites that you did not visit yourself.
- Violations can result in disciplinary actions up to and including removal.
- Remember, there may be consequences for a variety of inappropriate uses of government computers including, "Creating, viewing, storing, downloading, transmitting or intentionally receiving communications, files, or documents that could be interpreted as being intimidating, harassing, unlawful, or containing hostile, degrading, sexually explicit, pornographic, discriminatory, or otherwise offensive references or remarks that ridicule others on the basis of race, creed, religion, color, sex, disability, age, national origin or sexual orientation is expressly forbidden." From IM No. 2006-191, Zero Tolerance Policy of Internet Misuse to Access Prohibited Websites.
- Even if he uses a personal account, the consequences will be the same because it's a government computer.

### Optional Discussion Items:

Have any of you experienced a situation like this?

The Disciplinary Action Guide Table of Penalties is included in Appendix 9. You can use this to illustrate what can happen to employees who misuse government computers.

### Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Do What's Right

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Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

Key Points Brought Out In the Debrief:

- User IDs are to be used only by the individual owner.
- Users of government computers consent to monitoring and have no reasonable expectation of privacy.

## Do What's Right

## G-6. The Ethics of Per Diem

A firefighter turns in his travel paperwork after a fire assignment.

Discussion Questions:

*Let's start our discussion with the questions on page 15 of your guide.*

Facilitator Note: The tendency will be for the conversation to move toward what is and is not allowable on a travel voucher. Focus instead on behavior, personal responsibility and integrity.

**Question 1:** *What resources do we have at our local office to help us through incident business and travel-related issues?*

- Let the attendees know who the travel and incident business experts are in the office and how to reach them.

**Question 2:** *What is your responsibility in this situation?*

- You must always be honest in completing your paperwork, not just for travel but also for timesheets and procurement.
- “Do What’s Right” is about professionalism, ethics and integrity. It is incumbent on each individual to uphold the established standard and “do what’s right” even though it isn’t always the easiest or most advantageous thing to do. The supervisor is responsible to review travel authorizations and vouchers for accuracy. The supervisor should ask people who are designated as travel experts any questions or concerns they have.

Optional Discussion Item:

*Who should follow up about the other employees who gave the firefighter bad information?*

Local Discussion Items:

This is an opportunity to bring in local perspectives, procedures, policies or issues.

Ending the Discussion:

*We are going back to the DVD now to hear a few summary comments on the scenario we just discussed and then watch the next scenario.*

## Key Points Brought Out In the Debrief:

- Falsification of time and travel can result in penalties up to and including removal.
- Uphold the established standard of “Do What’s Right” even though it isn’t always the easiest or most advantageous thing to do.

## Section H: Closeout

You can choose the closeout based on you target audience.

H-1: Closeout for a fire audience.

H-2: Closeout for a mixed audience (fire and non-fire).

H-3: Closeout for a non-fire audience.

## Do What's Right

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## Thoughts on Professionalism

*Professionalism means: doing the best you can, by living the values of Duty, Respect and Integrity each day and having motivation and vision to improve the organization.*

*Professionalism is a representation of personal integrity, credibility, loyalty, and respect that is bestowed by others. It is earned through tangible actions and not just words.*

*Professionalism is a blend of skills and traits: Leading by example. Doing the right thing—choosing the harder right over the easier wrong. Setting a good example at all times in behavior, attitude, tact, diplomacy, courtesy, and respect. A relentless commitment to honesty and integrity. Putting the overall good of the organization over your own personal good. Taking care of your people, listening to them, supporting them, encouraging them, giving them clear direction.*

*Professionalism is what shows when someone is walking away from an interaction with you, and thinks “Wow—that guy has got it together.” It means knowing your job, striving to improve your performance, and taking pride in what you do. It means conducting yourself with duty, respect and integrity.*

*It's doing the right thing, holding to the highest standard, developing best practices, when nobody else is looking. Doing those things because they're right, not because you're told to do them or afraid you'll get caught if you don't.*

*I'm thinking about some of the best folks I've worked with out on the line, who've gone the extra mile on line prep to make sure it will hold. Who not only taken weather readings on the line and transmitted them over the radio, but checked to assure people are understanding them and paying attention to the changing weather around them. The folks who've stood up in a briefing and said, “That information you just gave us is wrong; the situation has changed and we all need to hold up until we get better info and develop another plan.” The guys who, after their engine comes in off a long and filthy assignment with mud caked all over it, spend hours and hours cleaning diamond-plate, brake lines, etc. even with a toothbrush. Not to waste time or make their engine “pretty”, but to thoroughly go over it and assure it's not only clean, but there are no rocks between the chassis and brake lines, and no other mechanical problems that could get them or their buddies hurt on the next call.*

## What Our Colleagues Are Saying

How to establish trust is the million dollar question...everybody wants to know that; doesn't matter if it's a personal relationship or the people at work. To trust somebody takes time, takes tribulation and it's not something that can be just given.

Isaac Shinkle, Air Attack

The taxpayer expects a significant return on their investment. They expect us to do our job with integrity to the best of our ability and to not only work our best at suppressing fires but being proactive and working with communities in advance of the fire season.

Paul Briggs, Fuels Program Manager

Leadership is something we're all looking for. When we come to work we're looking for leadership from management and from each other...when there is leadership and direction we have a purpose to move forward.

Nathan Thomas, Archeologist

I do my part to display leadership. I believe you should lead from the front, I wouldn't expect someone to do something I wouldn't do myself.

Johnny Islas, Firefighter

We have to remember where the money comes from...it comes from the taxpayers so we're obligated to do the right thing in purchase and not wasting money on extravagant items. We need to just purchase the things we need to do our job.

Brian Bock, Fire Ecologist

Patience is a huge deal with what we do every day. Bringing people up and mentoring them, teaching them, building a core group of the people – the better we are as a module. Take the time to teach everyone something and they'll learn lessons we've learned the hard way.

Matt Huse, Engine Captain

Respect is huge, it starts with work ethic...that's the number one goal for me is to gain respect from my peers because of my work ethic and taking care of my guys.

Daniel Guerrica, Firefighter

Integrity is important – it's become a key part of our fire mission for it's an underpinning of our leadership and how we work through day to day operations.

Sean McEldery, Supervisory Fire Mgt. Specialist

Do What's Right

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## Appendix 1: Glossary

**Discrimination:** Illegal treatment of a person or group (either intentional or unintentional) based on race, color, national origin, religion, sex, handicap (physical or mental), age or reprisal.

**Equal Employment Opportunity (EEO):** The right to a safe and healthy environment, the right to freedom from discrimination and harassment, and the right to be treated with dignity and respect.

**Harassment:** Repeated attacks, to disturb persistently, torment, pester, persecute, tire out, and wear down. Under 29 CFR 1606.8(b), harassment: 1) has the purpose or effect of creating an intimidating hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual work environment; or 3) otherwise adversely affects an individual's employment opportunities. See also sexual harassment.

**Hazing:** Any action taken or situation created intentionally, to product mental or physical discomfort, embarrassment, or ridicule. Hazing is considered a form of harassment.

**Hostile Work Environment:** Unwelcome verbal or physical conduct based on race, color, national origin, religion, sex, handicap (physical or mental), age or reprisal which has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

**Reprisal:** A management action taken against an employee because of their involvement in a current or prior discrimination complaint – as a complainant, witness, representative, counselor, or investigator, or because of their having protested prohibited discrimination.

**Sexual Harassment:** Unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual or harassing nature.

## Appendix 2: CFR On Responsible Behavior Including Gambling

### *5 CFR Part 735*

#### *Subpart 735.201 What are the restrictions on gambling?*

(a) While on Government-owned or leased property or on duty for the Government, an employee shall not conduct or participate in any gambling activity, including operating a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

- (1) Necessitated by an employee's official duties; or
- (2) Occurring under section 7 of Executive Order 12353 and similar agency-approved activities.

Do What's Right

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**Appendix 3: EXECUTIVE ORDER 13513****Federal Leadership On Reducing Text Messaging While Driving**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq., and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while

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**Do What's Right**

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driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.

(a) The term “agency” as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) “Texting” or “Text Messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) “Driving” means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq.;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 et seq.; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,

October 1, 2009.

Do What's Right

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## Appendix 4: The EEO Process

### EEO Counseling

If you are an employee or job applicant, you are protected by law from discrimination based on race, color, national origin, sex (including sexual harassment), religion, age (40 years old or older), disability, or reprisal for your participation in the EEO process. Federal statutes and regulations—Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, the Fair Labor Standards Act (Equal Pay Act), and 29 CFR, Part 1614—are in place to offer relief, if you are the victim of discrimination. Additionally, in the Department of the Interior, sexual orientation discrimination is counseled under the EEO process.

An allegation of discrimination may result from any employment issue or action—hiring, promotion, time and attendance, work environment, training, appraisal, discipline, firing, layoffs, or other terms, privileges, conditions, and benefits of employment.

#### What You Have To Do

If you believe you have been discriminated against, you must first contact an EEO Counselor in order to try to resolve the matter, informally. EEO Counseling provides channels of communication through which you may raise questions, discuss allegations, get timely information, and seek solutions. You have **45** calendar days following the alleged discriminatory action or, if the matter concerns a personnel action, from the effective date of the action to contact an EEO Counselor.

#### What Counselors Do

- Determine the issue (actions the agency has taken that cause you to believe you have been discriminated against) and the basis (race, color, sex, religion, national origin, age, sexual orientation, disability or reprisal) of the matter.
- Conduct an inquiry in the **30** calendar days following the initial interview.
- Seek resolution. A reasonable and timely solution acceptable to both you and management is the best outcome of the counseling process.
- Document the resolution or advise you of your right to file a formal discrimination complaint.

#### What Counselors Do Not Do

- Act as advocates either for you or for management.
- Determine if discrimination has occurred.

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## Do What's Right

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### Alternative Dispute Resolution

The counseling period may be extended up to an additional 60 days, if you have agreed in writing to participate in an established agency alternative dispute resolution procedures.

### When Counseling Doesn't Resolve the Matter

If the problem has not been resolved by the end of the counseling period, the Counselor must hold a final interview with you and issue a Notice of Final Interview. The Notice provides information on how to file a formal complaint along with the names and addresses of persons authorized to receive complaints. You then have **15** days to file a written formal complaint with the appropriate official.

### Alternative Dispute Resolution – Mediation

There are times when people have honest disagreements. These disagreements can generate more heat than light and cause tension and bad feelings to escalate. Confrontations often produce more losers than winners; they can be a waste of everyone's time and money. They can damage important, ongoing relationships.

Alternative Dispute Resolution (ADR), an umbrella term for any one of several approaches to settling disputes without going to court, is a strategy for producing winners on both sides of a conflict. Anytime people find themselves in conflict, ADR can help bring them together to create a sensible outcome.

In the BLM, ADR can be used, with a few exceptions, to resolve both informal and formal EEO matters. You should know that when you choose ADR, your rights to traditional administrative redress and due process systems are preserved if ADR fails.

### Why Choose ADR

- It promotes the early resolution of EEO disputes;
- It reduces disruptions resulting from interpersonal conflicts the work place;
- It promotes lasting solutions and reducing the potential for future conflict, by facilitating the active participation of the parties to the conflict in the problem solving process;
- It fosters an environment of teamwork and cooperation among employees, supervisors, and managers.

### Mediation

Mediation, a type of alternative dispute resolution, is a confidential problem-solving process conducted in a neutral environment. Mediators are trained to facilitate communication about difficult issues. They guide individuals in reaching mutually-agreeable solutions to disputes using a process which ensures that the concerns of all parties are understood and considered.

## Do What's Right

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### Who Uses Mediation?

Depending upon the issues and circumstances involved, mediation may be available to employees of the BLM. Mediation can be appropriate when disputing parties want to resolve conflict and take responsibility for implementing agreed-upon solutions, especially when the primary relationship between the disputants extends beyond the conflict at hand. Mediation can help you to attain a better understanding of the issues. It fosters dignity and respect through effective communication.

### Who Are the Mediators?

Since mediation is now widely used throughout the public and private sectors, mediators may be BLM or other-agency employees, private-sector practitioners, or qualified persons from other sources. Mediators act as facilitators; they do not take sides with either party, and they do not render judgment or decision.

### What Are the Benefits of Mediation?

Mediation can be a timely, cost-effective and less stressful alternative to other processes. Mediation levels the playing field between disputants and demonstrates a commitment to resolve issues in a positive manner. Mediation encourages people to sit down and talk and listen to each other. The ultimate goal is to have everyone agree on a course of action that is fair and workable. Common sense, persuasion, and good-faith compromise are the keys to reaching a solution.

## Formal Complaints

If you are an employee or applicant, who believes you have been discriminated against because of your race, color, national origin, religion, sex, age, disability, or as reprisal for your participation in protected EEO activity, you **must** first seek relief through the informal counseling process. If resolution is not reached during pre-complaint counseling, you may then choose to file a formal complaint of discrimination.

The complaint of discrimination must:

- be submitted in writing;
- be filed **within 15 days** of receipt of the EEO Counselor's Notice of Right to File a Discrimination Complaint;
- be specific and limited to matters discussed during informal counseling;
- should state to the complainant's best knowledge, information, and belief what personnel matter or action occurred in which they were treated differently from others not in their protected group (e. g., race, sex, age) and when it occurred; and
- be signed by you, the complainant, or your attorney.

The complaint then may be mailed or delivered in person to the state/center EEO Manager or Director; the Bureau Deputy Assistant Director, EEO; the BLM Director; or the Director of the Interior Office of Civil Rights.

## Do What's Right

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### Investigation of Complaints

If the Department accepts your complaint, they have 180 days to process the complaint. They assign an investigator, who compiles a case file that includes witness statements and relevant documents. Within the 180-day period the Department will provide the complainant with a copy of the Record of the Investigation. Settlement attempts will continue during this period.

You then have 30 days to request either an immediate decision by the Department, which will be made within 60 days, or a hearing before an Administrative Judge from EEOC. If a hearing is requested, the Administrative Judge will issue findings of fact and conclusions within 180 days and provide the Department with a recommended decision. The Department has 60 days to reject or modify or use the recommended decision.

If you are dissatisfied with the Department's decision, you may appeal it to the EEOC within 30 calendar days of receipt of the decision.

### Age Discrimination Complaints

For complaints based on age, you may choose to forego the complaint process and go directly to court. When a complainant intends to sue in District Court, they must advise the EEOC 30 days before such filing.

### Freedom from Retaliation

The complainant, representatives, witnesses, EEO Officers, investigators, and counselors are to be free from restraint, interference, coercion, discrimination, or reprisal at all stages of an EEO complaint. If any of these persons allege reprisal, they may file an individual complaint of discrimination.

## Appendix 5: Expedited Process Procedures

### Office of the Secretary, Equal Opportunity Directive 1997-11

The Expedited Inquiry Process was prompted by the sudden increase in the number of findings of discrimination in which harassment and hostile work environment were among the primary issues. These cases stay in the system for several years before a decision is made whether harassment occurred. Meanwhile the employee may be subjected to continued harassment and/or a hostile work environment because the agency did not intercede.

Managers and supervisors are responsible for the employees' work environment. The work atmosphere should provide employees with the opportunity to succeed and be fully productive. When an employee feels threatened by hostility in the office, they may not be able to perform at their highest potential.

Harassment, which usually goes hand in hand with a hostile work environment, means any conduct by a manager, co-worker or other Federal employee that interferes with an employee's ability to do his/her job and is based on allegations of discrimination; e.g., race, color, sex, national origin, religion, age, disability or sexual orientation<sup>1</sup>, or reprisal. An employee has 45 days from the date of the incident to present harassment allegations to an EEO Counselor, EEO Manager, or management.

Upon presentation of an allegation of harassment, managers should inform the EEO Manager who will make a determination whether the matter warrants priority consideration and will then advise the employee. If so, the EEO Manager will begin counseling immediately. The matter may not be delegated to an inexperienced Counselor/Investigator. This contact will be considered the initial counseling contact for the purpose of meeting the requirements of the EEO complaints process procedures.

After meeting with the employee to discuss the alleged harassment, the EEO Manager will bring the matter to the immediate attention of the highest appropriate management official at the site where the incident arose. The manager shall order an immediate, expedited inquiry into the facts of the incident.

#### What is an Expedited Inquiry?

An expedited inquiry is an administrative review that uncovers facts and evidence sufficient enough to determine whether a hostile work environment/harassment exists. An expedited inquiry is conducted as soon as possible after the allegation of hostile work environment/harassment is presented.

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<sup>1</sup> Sexual orientation complaints are processed pursuant to 373 DM 7

Do What's Right

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## Appendix 6: Administrative Grievance Procedures

### DOI Administrative Grievance Procedure, Part 370 DM, Chapter 771

**Applicability** – the grievance procedure is available to non-bargaining unit employees of the Department of the Interior and those bargaining unit employees who are not covered by a negotiated procedure or contract. Bargaining unit employees who are represented by a Union and covered under negotiated procedures should follow the grievance process contained within their respective contract.

**Grievance** – a request by an employee for personal relief in a matter of concern or dissatisfaction relative to their employment and which is subject to the control of management.

**Policy** – DOI encourages prompt, informal resolution of any dissatisfaction or disagreement amongst employees at the earliest opportunity and the lowest level possible. The DOI administrative grievance policy is a collaborative process, which promotes the use of ADR and attempts to avoid a “win-lose” outcome. Employees are free to use the grievance process without restraint, interference, coercion, discrimination, or reprisal.

**Alternative Dispute Resolution (ADR)** – a process for seeking consensual resolution of the issues and concerns underlying a grievance.

**Informal Procedure/ADR** – prior to engaging in the formal grievance process, the grievant and the grievance official are strongly encouraged, where appropriate, to engage in ADR in an attempt to resolve the issue. An employees must present a grievance in writing **within 15** days (all references to “days” means calendar days, unless otherwise stated) of the particular action or inaction giving rise to the grievance, or **15** days from the date the employee became aware of the action/inaction.

An informal grievance must be submitted in writing to the grievance official with a copy provided to the Servicing Human Resources Officer (SHRO). The option to pursue ADR, if not already considered and rejected, will be raised by the SHRO for consideration by the grievant. If there is no agreement to enter into the ADR process, the grievance official must provide the grievant a written decision within 10 days. If the relief requested is not granted, the grievant is to be advised of the time limit in which to request further consideration under the formal procedure. (In general, the time frame in which to request formal consideration is within 7 days of receipt of the informal decision or from the end of the ADR process).

Employees are not required to engage in the informal process where their grievance is related to a written reprimand or other disciplinary action that has provided an opportunity to respond and a subsequent decision in the matter. In those cases, employees may proceed directly to the formal grievance procedure

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**Formal Procedure** – If the grievance is not resolved at the informal/ADR level, an employee may file a formal grievance. Formal grievances must be filed in writing, using the AGF (DI 7600) form and must include a copy of the informal decision or ADR termination document, as appropriate. Once accepted, the formal grievance will be assigned to an appropriate deciding official as determined by management in consultation with the SHRO. At management's discretion, ADR may again be offered at this point, which, if used, may hold the grievance in abeyance for up to 45 days. An employee is entitled to make an oral presentation on the grievance matter if they have requested to do so when completing the DI 7600 grievance form. The deciding official will provide a written response to the grievant within 20 days from the date the grievance matter was referred to them, or, if requested and made, 20 days from the date of the oral presentation. The decision/response from the deciding official should include a summary of the grievance, the consideration given to it, and the conclusion reached. The decision of the deciding official is final and there are no additional rights of appeal

## Appendix 7: Prevention of Sexual Harassment Quick Reference Guide

If you are a victim of sexually harassing behavior, you have several courses of action:

- Indicate to the harasser that the behavior is unwelcome.
- Ask co-workers if they observed the behavior or are aware of similar behavior.
- Indicate to your supervisor that the behavior is unwelcome.
- Keep a record of any instances of harassment and follow-up actions.
- Talk to your supervisor, someone in the chain of command, an EEO Counselor or the EEO Manager in your office about the behavior and courses of action available to you.

If you are an observer of questionable behavior:

- Ask the affected employee if it is a problem.
- Mention the incident or situation to your supervisor.
- Talk to the harasser about any behavior that bothers you personally.

Is it or isn't it sexual harassment? Here's an easy guideline. It is sexual harassment when:

- It goes beyond the point of comfort and is pervasive and severe.
- It is unwelcome and repeated.
- It interferes with a person's ability to work.
- It creates a hostile environment for an employee whether the harasser agrees or not.
- It includes same sex harassment and non-employee harassment.
- Employment opportunities or benefits are granted because of submission to requests for sexual favors.

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**Appendix 8: FMO's Beginning-of-Season Talk**

Good morning everyone, and welcome to the start of another fire season. I look around the room and I see several new faces, as well as many who are returning from last season. Welcome to all of you. I thought I would take a few minutes this morning to share my expectations for the coming fire season. We've got a full schedule this week, so let's get started.

First, let's talk about how we interact with each other. We're all professionals here, so we need to remember that as we do our jobs. Fire season is a long time, and things will go a lot better if we each do our jobs, treat each other with respect, and focus on trying to make this the best fire organization we can. If you see something that needs to be done, please let your supervisor know, or better yet, see if you can get it done yourselves. We'll use after-action reviews throughout the season, and I expect you all to actively participate.

You folks who have been here awhile know we have a pretty good reputation for running a safe and professional fire program. For the new folks, please know that we've worked hard to build that reputation and we want to keep it. To do that, we need to focus on several things.

Above all things, we need to keep safety at the forefront of everything we do. We'll make sure you have the training and you just need to put it into practice, not just on the fireline, but in all aspects of your jobs.

We also need to watch how we act when in the public eye. Our image needs to match our performance-competent and professional. When you talk to members of the public, remember that you work for them, and that you are representing our fire program. While at work, I expect you to keep your shirts tucked in and your hats on straight. Rough housing will not be tolerated, not only because it sends the wrong message to the public, but also because that's when people get hurt.

Drive defensively, obey the speed limits, and stay alert. Often you'll be working long hours, and that's when you really need to focus on driving safely. Wear your seatbelt at all times, and require everyone in your vehicle to wear theirs. As you drive through town, please be especially courteous to other drivers.

We live in a small town, and not much we do goes unnoticed. You're never really out of the public eye, out in the field or even after hours. You'd be surprised at what get backs to me, and if I hear about it, you can be sure other people are hearing it too. Remember, everything you do reflects on the rest of us and the reputation of this organization.

We have zero-tolerance regarding the use of drugs and alcohol while on duty. If you choose to go out in the evening and have a few drinks, make sure that when you report to duty in the morning, you're ready and able to work. I don't want to see you dragging yourself around, hung over, and hurting. That kind of behavior becomes a safety issue, and I sure don't want to see you or your co-workers hurt because of it. If you've been out during the evening and you get a fire call, don't bother showing up. Let the person calling know you can't respond, and just stay home. We can't have you under the influence of drugs or alcohol while at work.

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We also have zero-tolerance regarding EEO and harassment in our organization. If you mess up in this regard, there will be consequences. If you find yourself being harassed or discriminated against, let me know, or go to our EEO Counselor. If you see or hear it, let someone know. The quickest way to ruin morale around here is to ignore even a hint of harassment or discrimination, and if morale suffers, then safety suffers. If you want to succeed, remember the Golden Rule, and treat people with the courtesy and respect with which you expect to be treated.

I'm excited about the coming fire season. I'm counting on you to help me set a high standard and live up to it.

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## Appendix 9: DOI Department Manual Table of Offenses and Penalties

This Table provides a list of common infractions, along with a suggested range of penalties for each; it does not presume to cover all possible offenses, nor does it mandate the use of specific penalties in most disciplinary situations. The range of penalties described in the Table is intended to serve as a guide to discipline, not a rigid standard, and deviations are allowable for a variety of reasons. Greater or lesser penalties than suggested may be imposed as circumstances warrant, and based on a consideration of mitigating and aggravating factors. Management officials must exercise reasonable judgment and consider all relevant factors (as reflected in the guidance found at Appendix A) in determining the most appropriate corrective action for each situation. Any penalty determination outside the suggested range should be based upon a reasonable consideration of the factors described in Appendix A, and the rationale documented in the decision notice.

The use of this Table as a guide will help to ensure appropriateness of penalty in relation to the charge(s), as well as relative consistency in discipline throughout the Department. The fact that a particular offense is not listed in the Table does not mean that the employee cannot be charged with that offense. In such instances, a reasonable penalty can be determined (with the assistance of the servicing HRO) by a comparison to those offenses listed in the Table.

The Table lists only disciplinary and adverse actions which become a matter of record in the employee's Official Personnel Folder; it does not mention oral warnings, counseling notices, and other corrective actions which may be more appropriate for correcting minor offenses. The *First Offense* column, therefore, refers to the first offense for which a disciplinary/adverse action is taken, although it may not be the first time the employee engaged in misconduct.

Progressively stronger corrective actions should be taken if an employee repeatedly engages in misconduct. When an employee receives corrective action for an offense which falls under one range of penalties, and later commits a different offense under the same or another category of offense, the latter is considered a second offense for progressive disciplinary purposes. For example, if an employee is charged with absence without leave (AWOL) and is issued an official reprimand (first offense), then is later charged with insubordination for subsequent misconduct, the appropriate penalty range for the insubordination charge is a 30-day suspension to removal (as a second offense).

In addition to a management-initiated corrective action, a Department employee also may be subject to criminal prosecution when there is evidence of a possible statutory violation; such evidence should be provided to the Office of Inspector General, which then may refer the matter to the Department of Justice for further consideration and possible prosecution. If the Department of Justice declines to prosecute, the employee involved in the alleged wrongdoing will then be subject to an appropriate administrative action consistent with the penalties contained in this Table. An employee who has been arrested and held for further legal action by

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a magistrate court, or indicted by a grand jury for an imprisonable offense, should be indefinitely suspended without pay pending the outcome of the judicial process so as not to prejudice the employee's right to due process in the criminal case. If the employee pleads guilty or is convicted, the Department may then proceed with a removal or other appropriate action; in the absence of a conviction, the indefinite suspension should end, although other administrative action may be taken.

The servicing HRO must be consulted regarding the procedural requirements to follow when taking corrective action. This consultation requirement includes securing advice on the merits of the charge(s) and the appropriateness and Departmental-consistency of the penalty being proposed. In situations involving possible violations of the Department's Standards of Ethical Conduct, supervisors/managers should also consult with a bureau Ethics Counselor and/or an ethics official from the Office of the Solicitor, Office of Ethics.

Nature of Offense (General Misconduct)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks
<p>1. Attendance-related offenses.</p> <p>a. Absence without leave (AWOL). This includes tardiness and unauthorized delay in returning from lunch and break periods, or in returning after leaving work station on official business; unauthorized departure or absence from duty station.</p> <p>b. Failure to follow established leave procedures; failure to provide administratively acceptable documentation to support absence(s).</p> <p>c. Excessive unauthorized absences (e.g., more than 5 consecutive workdays).</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 5-day suspension</p> <p>5-day suspension to removal</p>	<p>5- to 30-day suspension</p> <p>5- to 30-day suspension</p> <p>14-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 370 DM 630 for leave requirements and guidance. Penalty depends primarily on length and frequency of unacceptable absences. Removal may be appropriate for a first or second offense if the absence is prolonged, the failure to adhere to leave procedures is flagrant, or the circumstances are otherwise particularly burdensome.</p>

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<p>2. Improper or unauthorized release of sensitive and administratively-controlled information or employee records; failure to safeguard classified material.</p> <p>a. Information is not compromised and release is unintentional.</p> <p>b. Information is compromised and release is unintentional.</p> <p>c. Release of restricted information is deliberate.</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 30-day suspension</p> <p>30-day suspension to removal</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Removal</p>	<p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 5 USC 552a and 43 CFR 2.52 for Privacy Act provisions regarding the misuse of personal information; also refer to 18 USC 798 and 18 USC 1905. Deliberate disclosures of Privacy Act information must be referred to OIG.</p>
<p>3. Offenses related to substance abuse.</p> <p>a. Alcohol-related</p> <p>(1) Reporting to or being on duty while “under the influence” of alcohol.</p> <p>(2) Unauthorized use and/or possession of alcoholic beverages while on Government premises (or vehicle).</p> <p>(3) Operating a Government vehicle/aircraft while “under the influence” of alcohol.</p> <p>b. Drug-related</p> <p>(1) Administratively confirmed positive finding under the testing portion of the Drug-Free Workplace Program.</p> <p>(2) Unlawful use, being under the</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Written Reprimand to removal</p> <p>Written</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p> <p>30-day</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p>	<p>Refer to 43 CFR 20.505, 370 DM 792, Drug-Free Workplace (Zero Tolerance) Policy, DOI Handbook on the Department of Transportation Alcohol and Drug Testing Program, and DOI Federal Railroad Administration Supplement for specific guidance.</p> <p>Actions involving these offenses must assure that counseling or rehabilitative assistance is offered; however, referral to an employee assistance program (EAP) does not preclude the initiation of corrective action.</p>

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<p>influence or unauthorized possession of drugs, drug paraphernalia or controlled substance while on Government premises or in a duty status.</p> <p>(3) Sale or transfer of an illegal drug or controlled substance while on Government premises (or vehicle).</p> <p>(4) Refusal or failure to provide a required specimen for drug-testing; tampering with a drug-test specimen; refusal to obtain counseling or rehabilitation (after finding of illegal drug use).</p>	<p>Reprimand to removal</p> <p>Removal</p> <p>14-day suspension to removal</p>	<p>suspension to removal</p>  <p>30-day suspension to removal</p>	   <p>Removal</p>	<p>The illegal drugs currently tested for (as defined in 370 DM 792, Subchapters 9 &amp; 10) include: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). However, the Department is authorized to test for any illegal drugs as deemed necessary.</p> <p>When there is possession of illegal drugs - call law enforcement and notify OIG.</p> <p>When the substance is prescribed by an appropriate medical authority and used accordingly, it would not be an offense. 370 DM 792, 10.12 requires mandatory initiation of removal from service for a second offense of failing to refrain from illegal drug use.</p>
<p>4. Discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward supervisors, co-workers, or the public.</p>	<p>Written Reprimand to 5-day suspension</p>	<p>5- to 30-day suspension</p>	<p>30-day suspension to removal</p>	<p>5 USC 7503(a) permits suspension of 14 days or less of any employee with four documented instances of discourteous conduct toward the public within a one-year period as confirmed by an immediate supervisor,</p>

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				or any other pattern of discourteous conduct.
5. Boisterous or disruptive/disorderly conduct; use of insulting, intimidating, abusive or offensive language to or about another employee or supervisor.	Written Reprimand to 5-day suspension	5- to 30-day suspension	30-day suspension to removal	
6. Deliberately making known false, malicious, or unfounded statements against co-workers, supervisors, subordinates, or Government officials which could undermine the authority or damage the reputation of those concerned.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 USC 2302(b)(8) and (9), prohibiting actions against employees for engaging in protected activities.
7. Threatening statements or behavior (of a physical nature).	14-day suspension to removal	Removal		Charge involving "threat" must consider the listener's reactions, the listener's apprehension of harm, the speaker's intent, any conditional nature of the statements, and the attendant circumstances – refer to <u>Metz v. Dept. of Treasury</u> , 780 F.2d 1001 (Fed. Cir. 1986).
8. Fighting and offenses related to fighting.  a. Engaging in potentially dangerous "horseplay."  b. Hitting, pushing, or other acts against another without causing injury.  c. Hitting, pushing, or other acts against another causing injury.	Written Reprimand to 14-day suspension  5- to 30-day suspension  30-day suspension to removal	14-day suspension to removal  30-day suspension to removal  Removal	30-day suspension to removal  Removal	Penalty depends on such factors as provocation, extent of injuries, and whether actions were defensive or offensive in nature.
9. Misconduct of a sexual nature that includes, but is not limited to,	Written Reprimand to	14- day suspension	Removal	Refer to the Department's Zero

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unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	removal	to removal		Tolerance Policy; penalty may include mandatory training.  More severe discipline is appropriate for egregious misconduct.
10. Failure to provide equal opportunity regardless of race, color, religion, gender, national origin, age, marital status, political affiliation, sexual orientation or handicapping condition.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.101(13).
11. Unauthorized possession/sale (actual or attempted) of Government property or property of others; improper acceptance of Government funds/reimbursement.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Referral to OIG may be appropriate.
12. Loss, misuse of, damage to or failure to safeguard Government property, records, or information (e.g., willful or negligent damage to Government resources; carelessness in performance of duty resulting in waste of public funds).	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 5 CFR 2635.101(9). For misuse of Government vehicles, see item 5 under Violations of Statute.  Referral to OIG may be appropriate.
13. Failure to comply with safety regulations, instructions or prescribed safe practices; failure to use proper safety equipment; failure to report accident or injury.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	
14. Sleeping or loafing while on duty; inattention to duty; willful idleness while on duty.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Seriousness of offense is greater if persons/property endangered.
15. Failure or delay in carrying out instructions; failure or carelessness in performing assigned work; failure to take/complete officially-directed training.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 370 DM 430 to deal with unacceptable performance and performance-based actions.

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<p>16. Insubordination; disregard of directive; refusal to comply with a proper order.</p>	<p>5-day suspension to removal</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 43 CFR 20.502. An “insubordination” charge requires a showing that the employee <u>deliberately</u> disregarded supervisory directives. In some instances (e.g., refusal to report for an ordered reassignment) removal may be appropriate.</p>
<p>17. Falsification/misrepresentation of official Government records or documents including, but not limited to, time and attendance records, travel vouchers, job applications, performance appraisals, claims for benefits, and other employment-related documents.</p>	<p>Written Reprimand to removal</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 43 CFR 20.510.  Referral to OIG may be appropriate.</p>
<p>18. Misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official Government investigation, inquiry or other administrative proceeding.</p>	<p>14-day suspension to removal</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 43 CFR 20.510.  Referral to OIG may be appropriate.</p>
<p>19. Refusal to testify or cooperate in connection with any administrative investigation, inquiry, or other proper proceeding (when criminal charges are not anticipated).</p>	<p>5-day suspension to removal</p>	<p>14-day suspension to removal</p>	<p>30-day suspension to removal</p>	
<p>20. Prohibited/improper use of Government property (e.g., office equipment; supplies; facilities; credentials; records; communication resources; cellular phones; official time); misuse of the Internet/electronic mail; using the Internet/electronic mail for unauthorized purposes.</p>	<p>Written Reprimand to 14-day suspension  More severe discipline (including removal) may be appropriate for first/second</p>	<p>14- to 30-day suspension  More severe discipline (including removal) may be appropriate for first/second offense if misconduct</p>	<p>30-day suspension to removal</p>	<p>Refer to 5 CFR 2635.704 and 705(a); 410 DM 2 (Limited Personal Use of Government Personal Property). Consider issue of employee notice regarding agency policy.</p>

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	offense if misconduct involves using the Department's Internet/electronic mail system for prohibited reasons, including gambling, accessing/sending prohibited sexually-related material, or other egregious acts of misuse.	involves using the Department's Internet/electronic mail system for prohibited reasons, including gambling, accessing/sending prohibited sexually-related material, or other egregious acts of misuse.		
21. Offenses related to gambling.				
a. Participating in a gambling activity while on Government premises or in a duty status (e.g., office pools).	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 5 CFR 735.201.
b. Operating, assisting, or promoting a gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	5- to 30-day suspension	30-day suspension to removal	Removal	
22. Indebtedness; failure to meet financial obligations in a proper and timely manner.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Refer to 5 CFR 2635.809. Actionable if there is a nexus between the failure to pay and the efficiency of the service. Since a suspension may reduce an employee's ability to pay overdue financial obligations, a reprimand may be more appropriate for a first offense (more

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				severe discipline may be appropriate for subsequent offenses). Special care is called for in dealing with this type of offense, as it may involve mitigating circumstances.
<p>23. Offenses related to Government travel charge card and/or purchase card.</p> <p>a. Misuse of travel card (i.e., personal/Unauthorized purchases) <b>or</b> delinquent in payment.</p> <p>b. Misuse of travel card (i.e., personal/Unauthorized purchases) <b>and</b> delinquent in payment.</p> <p>c. Unauthorized use of or failure to appropriately monitor use of Government purchase card; "micro-purchasing" violations.</p>	<p>Written Reprimand to 30-day suspension</p> <p>5- to 30-day suspension</p> <p>Written Reprimand to 30-day suspension</p>	<p>5-day suspension to removal</p> <p>14-day suspension to removal</p> <p>14-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p>	<p>Refer to Financial Administration Memorandum (FAM) 2000-010 for further information and instructions on Resolving Delinquencies on Individually-billed Travel Card Accounts, and the Department's Integrated Charge Card Program Guide (revised 4/2004).</p>
<p>24. Carrying a firearm or other weapon on Government property (or in Government vehicle) unless specifically authorized/required in the performance of duties.</p>	<p>30-day suspension to removal</p>	<p>Removal</p>		<p>Refer to 43 CFR 20.511.</p>
<p>25. Using public office for private gain.</p>	<p>5-day suspension to removal</p>	<p>Removal</p>		<p>Refer to 5 CFR 2635.702.</p>
<p>26. Engaging in unauthorized/prohibited selling, soliciting or fundraising activities.</p>	<p>Written Reprimand to 5-day suspension</p>	<p>5- to 14-day suspension</p>	<p>14-day suspension to removal</p>	<p>Refer to 5 CFR 2635.808.</p>
<p>27. Engaging in prohibited outside employment or private business activities.</p>	<p>Written Reprimand to removal</p>	<p>Removal</p>		<p>Refer to 5 CFR 3501.105.</p>

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28. Participating in particular matters while having a conflicting financial interest.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.401.  Consult Ethics Office and may require referral to OIG. See 18 USC 208.
29. Participating in matters affecting financial interests of an entity where employment is being sought.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.601.  Consult Ethics Office and may require referral to OIG. See 18 USC 208.
30. Violating the Department's Code of Scientific Conduct (or other professional code of conduct that applies to employees required to maintain a professional license or membership).	Written Reprimand to 30-day suspension	30-day suspension to removal	Removal	Refer to 305 DM 3.
31. Violating the Standards of Ethical Conduct not covered elsewhere in this Table.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.
32. Unauthorized use of nonpublic information.	Written Reprimand to removal	Removal		Refer to 5 CFR 2635.703.
33. Engaging (on-duty or off-duty) in criminal, infamous, dishonest, or notoriously disgraceful conduct prejudicial to the Government.	5-day suspension to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.501.
<b>Nature of Offense (Supervisory Misconduct)</b>	<b>Penalty for First Offense</b>	<b>Penalty for Second Offense</b>	<b>Penalty for Third Offense</b>	<b>Remarks</b>
1. Taking, directing others to take, recommending or approving any action which may be considered a "prohibited personnel practice" (e.g., reprisal against an employee for engaging in protected activities; discrimination based on race, color,	5-day suspension to removal	14-day suspension to removal	Removal	Refer to 5 USC 2302, 5 CFR 2635.101(13), and related Department policies. Action may be taken regardless of whether there was an official

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gender, age, religion, national origin, marital status, political affiliation, sexual orientation or handicapping condition).				“finding” of discrimination (or other prohibited personnel practice).
2. Taking reprisal action against an employee for exercising rights provided by the Federal Service Labor-Management Relations Statute.	5- to 30-day suspension	14-day suspension to removal	Removal	Refer to 5 USC, Chapter 71.
3. Neglecting to recommend/take corrective action upon receipt of information regarding the job-related misconduct of a subordinate employee.	Written Reprimand to 30-day suspension	14-day suspension to removal	Removal	
4. Failure to appropriately monitor employee use of Government purchase/travel charge card.	Written Reprimand to 14-day suspension	14-day suspension to removal	Removal	
5. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	5-day suspension to removal	14-day suspension to removal	Removal	Refer to the Department’s Zero Tolerance Policy; penalty may include mandatory training.  More severe discipline is appropriate for egregious misconduct.
6. Influencing or attempting to influence the DOI employment of a relative.	5- to 30-day suspension	14-day suspension to removal	Removal	Refer to 5 USC 3110.
7. Violating, or inducing a subordinate to violate, the Department’s Code of Scientific Conduct (or other profession’s Code of Ethical Conduct).	5-day suspension to removal	Removal	Removal	Refer to 305 DM 3.
8. Using Government employees in duty status for other than official purposes.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 CFR 2635.705(b).
<b>Nature of Offense (Violations of Statute)</b>	<b>Penalty for First Offense</b>	<b>Penalty for Second Offense</b>	<b>Penalty for Third Offense</b>	<b>Remarks</b>

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1. Engaging in prohibited partisan political activity (e.g., partisan campaigning; soliciting/receiving political contributions).	30-day suspension to removal	Removal		Refer to 5 USC, Sections 7321-7326.
2. Participating in a strike, work stoppage, work slowdown, sick-out, or other similar job action.	30-day suspension to removal	Removal		Refer to 5 USC 7311.
3. Misappropriating/misapplying Government funds; directing, expecting, or rendering services not covered by appropriations.	1- to 30-day suspension	30-day suspension to removal	Removal	Refer to 31 USC 1301, 1341 and 1349.
4. Willfully mutilating or destroying a public record.	Removal			Refer to 18 USC 2071.
5. Willfully using or authorizing the use of a Government vehicle/aircraft for other than official purposes.	30-day suspension to removal	Removal		Refer to 31 USC 1344 and 1349.
6. Engaging in actions against national security.	30-day suspension to removal	Removal		Refer to 5 USC 7532.

12/22/06 #3738

Replaces 3/29/06 #3705

The people listed below attended this course and completed the course exercises.

	NAME (PRINT CLEARLY)	SIGNATURE	JOB TITLE	AGENCY/OFFICE	SUPERVISOR
1					
2					
3					
4					
5					
6					
7					
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10					
11					
12					
13					
14					
15					

Facilitated by: \_\_\_\_\_ Date: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Location: \_\_\_\_\_

List the Scenarios used for this Session:

At least one Scenario from Section C is required for each session.

Section	A	B	C	D	E	F	G	H
Scenario								

Note: Please fax this completed form to Debie Chivers at 208-387-5452 and retain a copy with each employee's training record.