

Do What's Right 2010



Participant Guide

Bureau of Land Management
National Training Center - Phoenix, Arizona
Fire and Aviation - Boise, Idaho
March 2010 Edition

Do What's Right

Table of Contents

Welcome, Theme, Goals and Objectives Page 1

Rights, Responsibilities and Consequences Page 2

Package A..... Page 3

Package B..... Page 4

Package C..... Page 5

Package D..... Page 6

Package E..... Page 7

Package F Page 8

Thoughts on Professionalism Page 9

What Your Colleagues Are Saying..... Page 10

Appendices

Appendix A: Glossary

Appendix B: CFR On Responsible Behavior Including Gambling

Appendix C: Executive Order On Reducing Text Messaging While Driving

Appendix D: The EEO Process

Appendix E: Administrative Grievance Procedures

Appendix F: Sexual Harassment Quick Reference Guide

This Page Intentionally Left Blank

Do What's Right

Welcome

This program is directed to everyone in the fire community, whether you are at a fire base, an outstation, and whether you are a smokejumper, a dispatcher, a firefighter, a module leader, an FMO, or work in a support position or as a contractor in the Fire organization. All of the issues apply to all of us. Everyone in the Bureau Fire Program needs to understand their rights and responsibilities. Everyone needs to understand the consequences of their actions. What is covered in this training comes down to, "Doing What's Right." We deserve a work place that we look forward to coming to each day. We have the right to feel proud of the work we do. Taking pride in the duties we perform and acting with integrity and respect is what today's program is all about.

Theme

We will refer throughout this session to Leadership and Professionalism. True leaders and professionals embody the personal values of duty, integrity and respect.

Goals and Objectives

As employees representing the government you will be ready, willing, and able to do what's right by:

- Acting consistently with your responsibilities;
- Exercising your rights; and
- Recognizing the consequences of inappropriate behavior to:
 - You
 - Safety and Health
 - Others
 - The Reputation of Your Organization

Do What's Right

Rights, Responsibilities and Consequences

All employees have a right to:

- A safe and healthy environment
- Freedom from discrimination and harassment
- Be treated with dignity and respect

All employees have the responsibility to:

- Perform all jobs in a safe manner
- Behave appropriately
- Treat others with dignity and respect
- Immediately report inappropriate behavior
- Correct inappropriate behavior
- Obey the law

Serious consequences can result for not doing what's right including:

- Compromising the safety of yourself and others
- Disciplinary action up to and including firing
- Embarrassment to the agency
- Personal liability
- Legal action
- A resulting criminal charge

Do What's Right

Package A Discussion

Scenario One: Passed Over for Detail

1. *As you watched that scenario what behaviors support and what behaviors detract from a respectful and cohesive work environment?*
2. *What could you do in situations like this to create a cohesive work environment?*

Scenario Two: Hazing Reported

1. *What responsibilities do we have toward our fellow employees when we become aware that hazing is occurring?*
2. *What is acceptable treatment of new employees and what is hazing?*

Scenario Three: Restaurant Rowdiness

1. *What responsibilities have these crewmembers failed to live up to in this scenario?*
2. *What expectations should the public have for our behavior?*

Scenario Four: Hangovers

1. *What expectations should a supervisor and other members of this crew have in this situation?*
2. *What are the possible consequences of this situation?*

Scenario Five: Online Gambling

1. *What behaviors are inappropriate in this situation?*
2. *What are the possible consequences?*

Reputation takes time to earn and no time to lose.

Do What's Right

Package B Discussion

Scenario One: Spreading Rumors

1. *What impact does spreading rumors about fellow employees have on a crew?*
2. *What is right about what you see here?*

Scenario Two: Unwanted Touching

1. *As federal employees we all have responsibilities when it comes to treating others with respect. What responsibilities has the male employee failed to live up to in this scenario?*
2. *What rights does the female employee in this scenario have?*

Scenario Three: Fire Assignment Misbehavior

1. *If you were the crew boss how would you handle the situation?*
2. *What if this behavior happened out of the public eye?*

Scenario Four: Racial Stereotyping

1. *How do you feel about how Carlos handles Mike's comments?*
2. *What can each of us do to support respect in a diverse workplace?*

Scenario Five: Call Back After Drinking

1. *What do you think?*
2. *What are the responsibilities of each person in situations like this?*

There are consequences for misconduct, even off duty.

Do What's Right

Package C Discussion

Scenario One: Call Back After Drinking

1. *What do you think?*
2. *What are the responsibilities of each person in situations like this?*

Scenario Two: Inappropriate Reading Material

1. *Is the employee's defensiveness justified?*
2. *What responsibilities has the employee failed to live up to?*

Scenario Three: Racial Stereotyping

1. *How do you feel about how Carlos handles Mike's comments?*
2. *What can each of us do to support respect in a diverse workplace?*

Scenario Four: Restaurant Rowdiness

1. *What responsibilities have these crewmembers failed to live up to in this scenario?*
2. *What expectations should the public have for our behavior?*

Scenario Five: Online Gambling

1. *What behaviors are inappropriate in this situation?*
2. *What are the possible consequences?*

Assume the public is always watching.

Do What's Right

Package D Discussion

Scenario One: Inappropriate Public Comments

1. *What is the public perception of a good fire season compared to how firefighters perceive one?*
2. *What should be the expectation of the public?*

Scenario Two: Inappropriate Jokes

1. *How do you know when behaviors become inappropriate and begin to compromise crew cohesion?*
2. *What does being professional mean?*

Scenario Three: Hotel Rowdiness

1. *Do you think these employees are fit for duty?*
2. *If you were the supervisor what points would you bring out when you met with the crew?*
3. *How difficult will it be to overcome the disapproval of those who witnessed or heard about the behavior?*

Scenario Four: Sexual Harassment: Season in Review

1. *Ideally, how could this have been resolved earlier in the season? Could her crew members have played a role in an early resolution?*
2. *Is there anything Kayla could have done differently?*
3. *What should be the FMO's next step?*

The public's perception of a good fire season is different than ours.

Do What's Right

Package E Discussion

Scenario One: Inappropriate Media Comments

1. *How would you have handled this situation?*
2. *Which statements made by the firefighters will be on the evening news tonight?*

Scenario Two: Posting Media Online

1. *Who do think placed the rollover video on the Internet; do you think it was very responsible?*
2. *If a firefighter is taking pictures and videos during an incident such as this, how does this affect situational awareness?*

Scenario Three: Prescription Drugs and Fitness for Duty

1. *Is Alan (the person borrowing the drug) fit for duty?*
2. *Are we expected to report injuries, even if they occurred off the job?*

Scenario Four: Unintended Consequences

1. *The tweeter, WildlandZ_Fighters, said she does this to pass the time. Is this an appropriate way to spend that time or is there something else she should be doing?*
2. *What should we consider before posting anything on-line or elsewhere about our agency or work environment?*

Scenario Five: Sexual Harassment: No Means No

1. *Kim said she doesn't know what to do. What would you tell her?*
2. *When does flirting become harassment?*

Do What's Right

Package F Discussion

Scenario One: Texting in the Workplace

- 1. How do cell phones, texting and use of other social media during work hours affect the workplace?*
- 2. Under what circumstances might this compromise safety?*

Scenario Two: R & R Behavior

- 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?*
- 2. The FMO referred to an incident last year where a crew was disciplined for misbehaving while on a fire assignment. What is your local policy regarding alcohol use when on fire assignment and on days off at an incident.*

Scenario Three: Sexual Innuendos and Harassment

- 1. Some people are offended by bad language and sexual comments. How can this affect the morale and cohesiveness of an organization?*
- 2. What kind of reputation would you like your organization to have?*

Scenario Four: Social Networking

- 1. When might material on your Facebook page become a concern for the agency?*
- 2. What potential problems might arise if there is an actual relationship between the supervisor and the employee?*

Scenario Five: Ethics and Misuse of Per Diem

- 1. What resources do we have at our local office to help us through incident business and travel-related issues?*
- 2: In this scenario we heard it suggested that the firefighter should perhaps improperly claim extra travel reimbursements. How does this relate the theme of "Do What's Right?"*

You are accountable for your actions on line just as you are in the office

Do What's Right

Thoughts from some wildland fire professionals on the definition of "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.

Do What's Right

What Your Colleagues Are Saying

We are employees of the taxpayer and they want to see a fair day's work for a fair day's pay.

Whether you think you are a role model or not, you are one, because people are watching.

It's like any other job; you want to be respected and thought well of. If you have a strong organization you work for, the harder you work, the better you do, and it makes the district look better.

One person's lack of fitness for duty can endanger the whole crew. I think this is a very important issue.

You have to show respect to get respect.

Diversity is important because if everyone was the same, you'd be going down the same trail all the time ... It expands our horizons

In this job you have guys coming in and they are going to be out in the heat all day, carrying a load, hiking hills... If you aren't fit for duty, the safety of others can be compromised. Make your decisions wisely. If you have the day off you never know if you're going to have to hit it hard the next day.

It's easy to creep over the integrity line. You have to police yourself and police your crew members and have them police you. And when you're out of line (and) someone calls you on it, don't get mad.

Honesty goes a long way. Integrity and respect from your peer takes a long time to build up and can be lost in a matter of seconds.

We're never out of the public eye. Even when you put on your civilian clothes and go out and have fun people usually know ...where you're from.

Do what's right means doing the right thing when nobody's looking and when people are looking.

Do What's Right

Appendix A – 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.

Do What's Right

Appendix B – 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

Appendix C – 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

Do What's Right

policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while 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

Appendix D – 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.

Do What's Right

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.

Do What's Right

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.

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;

Do What's Right

- 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.

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 Reprisal

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.

Do What's Right

Appendix E – 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

Do What's Right

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.

Do What's Right

Appendix F – 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.