

EEO
Self-Study Course
For
Managers and
Supervisors

August 2011

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The Supervisor's Roles and Responsibilities in the EEO Process

Overall a supervisor's role in terms of Equal Employment Opportunity (EEO) is to ensure the workplace is "safe" for all employees. That means supervisors are held responsible for ensuring the work environment is free of discrimination and harassment on the following bases:

Race, Color, National Origin, Religion, Age, Sex, Reprisal, Disability,
Sexual Orientation, Status as a Parent, and Genetics

The supervisor's role is also to:

- Resolve problems/disagreements and other conflicts in their respective work environments as they arise. Don't turn a blind eye because no one has filed a complaint. If it is shown that a supervisor is aware of a workplace issue after a complaint is filed, the agency becomes liable for not correcting the issue.
- Address concerns, whether perceived or real, raised by employees and following-up with appropriate action to correct or eliminate tension in the workplace.
- Ensure that subordinate supervisors have effective managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications.
- Inform all employees about what behaviors are appropriate and inappropriate in the workplace and that inappropriate behavior may result in disciplinary actions.

In the Informal and Formal EEO Process

The EEO process can be a bit stressful for all parties involved and it is important for supervisors to remember a few very important points.

As a supervisor in the EEO process you must:

- Continue to provide instruction, direction, and feedback to all employees. Nothing should be put on "hold" or decisions made differently because an employee has filed an EEO complaint.
- Allow the employee a "reasonable" amount of time to communicate with the EEO Counselor and/or the designated representative as applicable. "Reasonable" is defined as whatever is appropriate, in the particular circumstances of the complaint, in order to allow complete presentation of the relevant information. (See "What is Official Time" section of this training.)
- Actively participate in the complaint process by cooperating with the Counselor and other investigative authority; and, actively participate in the mediation process if requested by the Complainant.
- Proactively consider the possibility of resolution of the complaint and be open to discuss these options with the complainant

- Keep your supervisor aware of what is going on throughout the process. All your communications relative to a complaint should be between you and your supervisor. It is critical that you **not** communicate with other supervisors or employees, even within your own branch/division/department. If you garner advice or guidance from a supervisor who is not involved in a complaint, you must do so in broad terms; **never** identify a complainant by name or in such a way that he/she could be identified.
 - To defend against a claim of reprisal/retaliation, the agency must show that its representative (supervisor identified in a complaint) is unaware of an employee's prior EEO activity. The less said the better.
- Confidentiality regarding the EEO complaint and the complainant is important. Even when the EEO complaint has been closed (i.e.; withdrawal, settlement agreement, or a decision by the Agency or an Administrative Judge) it is the responsibility of the supervisor to hold all aspects of the complaint confidential.
- When in doubt contact the EEO Office.

What is Official Time?

Equal Employment Opportunity Commission (EEOC) regulations provide that complainants are entitled to a representative of their choice during pre-complaint counseling and at all stages of the complaint process. Both the complainant and the representative, if they are employees of the agency where the complaint arose and was filed, are entitled to a reasonable amount of official time to present the complaint and to respond to agency requests for information, if otherwise on duty. Former employees of an agency who initiate the EEO process concerning an adverse action relating to their prior employment with the agency are employees within the meaning of EEOC regulations, and their representatives, if they are current employees of the agency, are entitled to official time. Witnesses who are federal employees, regardless of whether they are employed by the respondent agency or some other federal agency, shall be in a duty status when their presence is authorized or required by EEOC or agency officials in connection with the complaint.

Reasonable Amount of Official Time

“Reasonable” is defined as whatever is appropriate, under the particular circumstances of the complaint, in order to allow a complete presentation of the relevant information associated with the complaint and to respond to agency requests for information. The actual number of hours to which complainant and his/her representative are entitled will vary, depending on the nature and complexity of the complaint and considering the mission of the agency and the agency’s need to have its employees available to perform their normal duties on a regular basis. The complainant and the agency should arrive at a mutual understanding as to the amount of official time to be used prior to the complainant’s use of such time. Time spent commuting to and from home should not be included in official time computations because all employees are required to commute to and from their federal employment on their own time.

Meeting and Hearing Time

Most of the time spent by complainants and their representatives during the processing of a typical complaint is spent in meetings and hearings with agency officials or with EEOC Administrative Judges. Whatever time is spent in such meetings and hearings is automatically deemed reasonable. Both the complainant and the representative are to be granted official time for the duration of such meetings or hearings and are in a duty status regardless of their tour of duty. If a complainant or representative has already worked a full week and must attend a hearing or meeting on an off day, that complainant or representative is entitled to official time, which may require that the agency pay overtime.

Preparation Time

Since presentation of a complaint involves preparation for meetings and hearings, as well as attendance at such meetings, conferences, and hearings, complainants and their representatives are also afforded a reasonable amount of official time, as defined above, to prepare for meetings and hearings. They are also to be afforded a reasonable amount of official time to prepare the formal complaint and any appeals that may be filed with the EEOC, even though no meetings or hearings are involved. However, because investigations are conducted by agency or EEOC personnel, the regulation does not envision large amounts of official time for preparation purposes. Consequently, “reasonable,” with respect to preparation time (as opposed to time

actually spent in meetings and hearings), is generally defined in terms of hours, not in terms of days, weeks, or months. Again, what is reasonable depends on the individual circumstances of each complaint.

Aggregate Time Spent on EEO Matters

The EEOC considers it reasonable for agencies to expect their employees to spend most of their time doing the work for which they are employed. Therefore, an agency may restrict the overall hours of official time afforded to a representative, for both preparation purposes and for attendance at meetings and hearings, to a certain percentage of that representative's duty hours in any given month, quarter, or year. Such overall restrictions would depend on the nature of the position occupied by the representative, the relationship of that position to the mission of the agency, and the degree of hardship imposed on the mission of the agency by the representative's absence from his/her normal duties. The amount of official time to be afforded to an employee for representational activities will vary with the circumstances.

Moreover, regulations provide that in cases where the representation of a complainant or agency would conflict with the official or collateral duties of the representative, the EEOC or the agency may, after giving the representative an opportunity to respond, disqualify the representative. At all times, the complainant is responsible for proceeding with the complaint, regardless of whether s/he has a designated representative.

The EEOC does not require agencies to provide official time to employee representatives who are representing complainants in cases against other federal agencies. However, the EEOC encourages agencies to provide such official time.

Requesting Official Time

The agency must establish a process for deciding how much official time it will provide a complainant. Agencies further must inform complainants, their representatives, and others who may need official time, such as witnesses, of the process and how to claim or request official time.

Denial of Official Time

If the agency denies a request for official time, either in whole or in part, the agency must include a written statement in the complaint file noting the reasons for the denial. If the agency's denial of official time is made before the complaint is filed, the agency shall provide the complainant with a written explanation for the denial, which it will include in the complaint file if the complainant's subsequently files a complaint.

Excerpt from EEOC MD-110, Chapter 6

What You Need to Know Regarding the Amendment to the American's with Disabilities Act (ADAAA)

The American's With Disabilities Amendments Act of 2008 (ADAAA) was signed into law on September 25, 2008.

The Amendments Act retains the ADA's basic definition of "disability" as an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. However, it changes the way that these statutory terms should be interpreted. Pursuant to the Amendments Act, the definition of disability under the ADA, 42 U.S.C. 12101, shall be construed in favor of broad coverage and the determination of whether an individual has a disability should not demand extensive analysis. The focus is to be assisting the employee in performing the essential functions of their job with or without a reasonable accommodation.

One of the most significant changes in the Amendment Act is the expansion in defining "major life activities":

- The first list includes many activities that were already recognized with some additions (these are non-exhaustive lists) – caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- The second list includes major bodily functions – including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Another significant change is the consideration of mitigating measures. The ADAAA states that other than "ordinary eyeglasses or contact lenses" mitigating measures **shall not** be considered in assessing whether an individual has a disability. A mitigating measure is considered any medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; use of assistive technology; and reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

The ADAAA also clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. For example, a person with epilepsy whose disease is controlled by medication must be evaluated without the ameliorative effects of the medication.

In regards to the term "substantially limits", the ADAAA provides that this term requires a lower degree of functional limitation than the standard previously applied by the courts. The standard is to be construed broadly in favor of expansive coverage. An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered "substantially limiting."

Nonetheless, not every impairment will constitute a disability¹. As before, the determination of the limitations of a disability requires an individualized assessment.

For full implementation guidance, please follow the following links:

http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm

<http://www.eeoc.gov/laws/statutes/adaaa.cfm>

http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3682

¹ ADAAA Implementation Fact Sheet

Handling Employees Who Broadcast Proposed Actions

What's the best way to handle an employee who is telling everyone about their disciplinary or performance proposed actions when the managers are doing their best to keep it private?

If the concern is about the employee's privacy, the employee appears to be waiving his or her privacy by disclosing and discussing the pending action with co-workers, which employees are free to do. But that doesn't mean that the managers are then free to discuss this with anyone who does not have a need to know about the proposed actions. Indeed, the managers should continue to refrain from discussing the action with anyone other than those agency officials who are directly involved in the action. When approached by the employee's co-workers for more information, a manager should simply explain that any personnel matter involving another employee is not open for discussion.

If the concern is that the employee who is the subject of the performance or disciplinary proposed action is causing a workplace distraction by complaining or venting to staff and getting them incited, then the employee should be counseled or even disciplined for the behavior. While it may not conform to optimal workplace etiquette, an employee is allowed to discuss with his or her co-workers the status of his or her employment, whether it involves leave approval or disapproval, performance ratings, promotions, or even disciplinary or performance-based actions. A problem arises, however, when the discussion creates a workplace place disruption, takes time away from work, or involves disrespectful comments about management. All of that can and should be the basis for either counseling or disciplining the employee who is engaged in the chatter about his or her own employment problems. If such action is needed, the manager should focus on how the employee's conduct interferes with the "efficiency of the service," which will guide the manager as to how to proceed – if at all.

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Management Directive-715: Our EEO Program Annual Status Report

The Equal Employment Opportunity Commission (EEOC) MD-715 report provides standards for establishing and maintaining an effective affirmative program for equal opportunity.

This EEOC reporting mechanism requires our agency to take appropriate steps to ensure all employment decisions are free of discrimination. It also sets the standards by which EEOC will review the sufficiency of the program with periodic self assessments and the removal of barriers to free and open workplace competition.

EEOC has defined six elements to serve as a foundation upon which each agency should build their program. We are required to review our EEO and personnel programs, policies and performance standards against all elements to identify where programs can be more effective. The essential elements of a model EEO program are:

A. Demonstrated commitment from agency leadership

Objective: Directors issue written policy statements ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity. Managers participate in EEO programs. Supervisors are to be evaluated on their ability to hire a diverse workforce.

B. Integration of EEO into the agency's strategic mission

Objective: EEO Programs are organized and structured to maintain a workplace that is free from discrimination in any of the agency's policies, procedures or practices and supports the agency's strategic mission. EEO professionals are involved in all major human resources decisions and have sufficient resources to conduct the type of monitoring, recordkeeping and analysis needed to develop effective EEO strategies.

C. Management and program accountability

Objective: All managers, supervisors and EEO officials are responsible for the effective implementation of the agency's EEO program and plan. EEO Offices must be proactive. Instead of waiting for problems to arise, conduct regular internal EEO program audits to identify problems before they occur. Managers and supervisors are evaluated on their efforts to ensure equality of employment opportunity.

D. Proactive prevention of unlawful discrimination

Objective: Early efforts are made to prevent discriminatory actions, eliminate barriers to equal employment opportunity by equal access to promotions, awards, and career development opportunities.

E. Efficiency

Objective: Ensure that there are effective systems in place for evaluating the impact effectiveness of EEO programs as well as an efficient and fair dispute resolution process. Establish procedures for capturing applicant flow.

F. Responsiveness and legal compliance

Objective: The organization is in full compliance with EEO statutes and EEOC regulations, policy guidance and other written instructions.

When a self assessment that covers the essential elements is completed, action items are created to help ensure a model program.

EEOC Form 715-01 Part E – U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Executive Summary

At the close of FY10, the permanent work force of the BLM Fire and Aviation Directorate (FA, WO-400) and the Division of National Radio Communication (WO-410) totaled 322 employees; a decrease of 5 positions from FY09. The temporary work force included 17 employees, an increase of 2 positions from FY09. Our overall employment at the end of FY10 was 339, which represents a net decrease of 3 positions. This summary will focus on permanent employees.

The FY 2010 Self-Assessment Checklist measuring Essential Elements of a Model EEO Program, 715-01 Part G indicated success the Fire and Aviation Directorate's continuing to meet compliance measures within the Essential Elements. The compliance measures are summarized below.

Element A: Demonstrated Commitment from Agency Leadership

- FAD provided new employees with a briefing package that includes EEO policy statements and other information on the EEO program.
- New supervisors and managers receive a special briefing package that includes EEO policy statement, current MD-715 report summary and other information on the EEO Program.
- Deputy Assistant Director, Fire and Aviation, discussed EEO policy statements during all employee meetings. In addition, he met with individual groups throughout the year and discussed his expectations of employees concerning work environment and EEO issues.
- EEO hosted webinar training for supervisors: Hiring People with Disabilities in the Federal Government, Best Practices in the Employment of People with Disabilities in the Federal Government, Reasonable Accommodation Process in the Federal Government and Accommodation Ideas for Employees with Traumatic Brain Injury.

Element B: Integration of EEO into the Agency's Strategic Mission

- The Principal EEO Official briefed managers on Fire and Aviation's accomplishments in each of the six elements of the Model EEO Program.
- EEO Program officials participate in discussions with managers and supervisors about recruitment strategies, vacancy projections, succession planning, training and career development opportunities.
- The BLM's Fire and Aviation program completed the strategic planning process in October, 2009. "A diverse and highly effective and motivated workforce" is the first of five goals. Objectives and strategies have been developed to meet the goal. The strategic plan has been presented to and approved by the Field Committee and the Bureau's Executive Leadership Team.
- The Fire and Aviation Directorate uses a Personnel Management Committee to review recruitment, vacancy projections and succession planning issues. The EEO Manager is a member of this committee.

- Fire and Aviation Directorate's EEO Program received sufficient funding to implement EEO action plans and improve EEO program efficiency.

Element C: Management and Program Accountability

- The EEO and Human Resources Managers meet on a regular basis to coordinate policies, practices and procedures.
- Human Resources and EEO Managers coordinated consultation duties to help ensure the Department of the Interior's Medical Standards Program was redesigned to meet reasonable accommodation standards.
- The Aviation Division has created a mentoring program, designed to help employees who are interested in careers in aviation management. Employees are chosen for the program through a competitive process. There are currently two employees in the program.
- EEO and Human Resources Managers coordinated efforts to meet and exceed the summer youth hiring initiative. Three additional Hispanic students were hired through this program.
- The Fire and Aviation Directorate helped staff recruitment and hiring booths at the League of Urban Latin American Citizens Conference job fair during FY2010. Personnel assisted in helping facilitate and oversee training sessions.
- Special Observances included the following:
 - Disability Employment Awareness Month: Displayed posters with 2010 theme and hosted a CAP Training Webinar for supervisors and managers.
 - American Indian Month: Displayed a set of posters with historical photographs of American Indians with quotes, i.e., Chief Seattle, Red Cloud, and Chief Joseph, around the Fire Center.
 - Martin Luther King Day: Distributed posters with the "I Have a Dream" speech to division chiefs to display in their work areas.
 - Black History Month: Displayed posters with 2010 theme and emailed information to all employees.
 - Women's History Month: Displayed posters with 2010 theme and sent emails with Women's history links, including one on women WWII Aviators, to all employees.
 - Cinco de Mayo: Sent an email with a list of local celebrations to all employees.
 - Asian American Pacific Islander Month: Displayed posters with 2010 theme.
 - Women's Equality Day: Displayed posters and sent an email on of voting rights history in the United States to all employees.
 - Hispanic Heritage Month: Displayed posters with the 2010 theme and sent email with history of observance and information on Hispanic Heritage to all employees.

Element D: Proactive Prevention

- 100% of the Fire and Aviation Directorate employees met the Department of the Interior's requirement for EEO and diversity training, as detailed in a memorandum from Secretary Salazar in January, 2010.
- Ten new scenarios were completed for the "Do What's Right" training series during FY 2010. These scenarios included issues concerning discrimination and the use of social media. This training instructs employees that managers and supervisors are responsible for ensuring that all employees have a safe and comfortable work environment that is free from any type of discrimination or harassment. Nearly 5000 employees and volunteers from the Department of the Interior, USDA-FS, rural and city fire departments and colleges attended the training. The training was designed with the fire community in mind through a joint venture of the Fire and Aviation Directorate and the National Training Center.

Additional accomplishments that showcase the agency's commitment to a model EEO Program include:

- The Joint Fire Science Program met with Presidents from Historically Black Colleges and Universities to discuss research and grant opportunities available for schools.
- Human Resource representatives attended a local Veterans Welcome Home event to promote job opportunities to local veterans. During the event contacts were made with local Veteran's Representatives at the Department of Labor (DOL) Vocation Rehabilitation to increase the applicant pool for positions identified for the Wounded Warrior Program.
- An employee-led committee was formed and supported by management to research the need and feasibility for opening a daycare facility on the NIFC campus.
- The Fire and Aviation Directorate sponsored a project through the Leadership Academy in which all BLM fire employees were given a survey that addressed scheduling accommodations, family and leave accommodations and career training and advancement opportunities. The result of the survey and study of the options available to employees were included in the publication, "Striking a Balance: Best Management Practices for Promoting and Sustaining a Healthy Work-Life Balance in the Fire Program." The publication was distributed to all employees in FY 2010.
- Ten Fire and Aviation employees were chosen for Education Awards, including 3 White females.
- In FY 2010, several Fire and Aviation employees were chosen for developmental details and temporary promotions. Twelve employees, including 2 White females were temporarily promoted. There were 15 other developmental details, including 5 White females, 1 Hispanic female and 1 American Indian & White male.
- The Fire Program's Joint Apprenticeship Program had 32 students from throughout the BLM are enrolled in the Basic Academy. They include 6 Hispanic males, 1 Black male, 1 Asian American male, and 1 White female, as well as 3 students with a disability. There are 18 students in the Advanced Academy, including 3 Hispanic males and 1 American Indian male.
- There are 26 Fire Program employees from throughout the BLM enrolled in the Education Program for Natural Resource Specialists (GS-401) at the University of Nevada Las Vegas

(UNLV). They include 2 White females, 1 Hispanic male, and 1 Asian American & Native Hawaiian/Other Pacific Islander male.

- In FY 2010, the Technical Fire Management (TFM) program, which helps onboard employees qualify for Natural Resource Specialist (GS-401) positions had eight students, including 2 American Indian males.
- In May, 2009, Fire and Aviation Directorate established relationships with the local Army Wounded Warrior Coordinator to increase hiring of disabled Veterans. The Management Team was briefed on the Wounded Warrior Program and the benefits of hiring disabled Veterans. In addition, the Personnel Management Committee (PMC) process was revised requiring that each vacancy that becomes available be considered for this program prior to being advertised, if appropriate. Each position that is identified is sent to the Wounded Warrior Coordinator for outreach. If there is no interest from the Wounded Warriors, then the position is advertised competitively.
- The Fire and Aviation EEO Office sponsored 3-hour training, “Managing Diversity for Managers and Supervisors.” Supervisors and managers were also provided training regarding telework policies and performance management issues associated with telework.
- All Fire and Aviation employees completed the training course, “The Diversity Advantage: Food for Thought.”

Workforce Activity

The BLM Fire and Aviation Directorate and the Division of National Radio Communication permanent workforce decreased by 5 positions from 327 employees in FY09 to 322 employees in FY10. The number of minorities remained the same at 32, however their percentage representation in the total workforce increased by 0.1%. Black women increased by one position (0.3%). Hispanic Men decreased by two positions (-0.6%). Hispanic Women increased by two positions (0.7). Men of Two or More Races decreased by one (-0.3%).

White men increased by one position (0.9%) and White women decreased by six positions (-1.5%).

Complaint Activity

| Activity Summary from 10/01/2009 to 09/30/2010 | | |
|--|-------|---------------------|
| COMPLAINT TYPE | COUNT | AVERAGE AGE OF CASE |
| Formal | 0 | n/a |
| Informal | 1 | 42 days* |

* 30/day counseling period extended for ADR/mediation

Workforce Activity: At the end of FY 2010 the changes to race, national origin, and gender of the Permanent Workforce are shown below:

| NCLF=NATIONAL CIVILIAN LABOR FORCE | FY 2009 | | FY 2010 | | CHANGE | NCLF% |
|---------------------------------------|------------|------------|------------|------------|-----------|------------|
| | NUMBER | PERCENT | NUMBER | PERCENT | NUMBER | |
| Female | 94 | 28.7 | 91 | 28.3 | -3 | 46.8 |
| White Male | 209 | 63.9 | 210 | 65.2 | 1 | 39.0 |
| White Female | 86 | 26.3 | 80 | 24.8 | -6 | 33.7 |
| Black Male | 2 | 0.6 | 2 | 0.6 | 0 | 4.8 |
| Black Female | 0 | 0.0 | 1 | 0.3 | 1 | 5.7 |
| Hispanic Male | 13 | 4.0 | 11 | 3.4 | -2 | 6.2 |
| Hispanic Female | 4 | 1.2 | 6 | 1.9 | 2 | 4.5 |
| Asian American Male | 4 | 1.2 | 4 | 1.2 | 0 | 1.9 |
| Asian American Female | 3 | 0.9 | 3 | 0.9 | 0 | 1.7 |
| Am. Indian/Alaska Native Male | 0 | 0.0 | 0 | 0.0 | 0 | 0.3 |
| Am. Indian/Alaska Native Female | 1 | 0.3 | 1 | 0.3 | 0 | 0.3 |
| Hawaiian or Other Pacific Male | 2 | 0.6 | 2 | 0.6 | 0 | 0.1 |
| Hawaiian or Other Pacific Female | 0 | 0.0 | 0 | 0.0 | 0 | 0.1 |
| Two or More Races Male | 3 | 0.9 | 2 | 0.6 | -1 | 0.8 |
| Two or More Races Female | 0 | 0.0 | 0 | 0.0 | 0 | 0.8 |
| Total | 327 | 100 | 322 | 100 | -5 | 100 |

Red annotates less than parity with the National Civilian Labor Force (NCLF) in the 2000 census

Leadership Pipeline:

| GRADE | FY | ON BOARD | | LOSES | | ACCESSIONS | |
|-------|------|----------|--------|-------|--------|------------|--------|
| | | MALE | FEMALE | MALE | FEMALE | MALE | FEMALE |
| GS-15 | 2010 | 5 | 2 | 0 | 1 | 0 | 1 |
| | 2009 | 5 | 2 | 0 | 0 | 0 | 0 |
| GS-14 | 2010 | 6 | 6 | 0 | 0 | 1 | 1 |
| | 2009 | 7 | 8 | 0 | 2 | 1 | 1 |
| GS-13 | 2010 | 38 | 15 | 2 | 2 | 3 | 3 |
| | 2009 | 39 | 17 | 1 | 0 | 3 | 1 |

BLM Fire & Aviation & National Radio Program as of October 1, 2009 – September 30, 2010
Table A1: TOTAL WORKFORCE - Distribution by Race/Ethnicity and Sex

| Employment Tenure | TOTAL WORKFORCE | RACE/ETHNICITY | | | | | | | | | | | | | | | | |
|----------------------------|-----------------|--------------------|--------|--------------|--------|---------------------------|--------|-------|--------|---|--------|----------------------------------|--------|------|--------|-------------------|--------|------|
| | | Hispanic or Latino | | Non-Hispanic | | | | | | | | | | | | Two or more races | | |
| | | | | White | | Black or African American | | Asian | | Native Hawaiian or Other Pacific Islander | | American Indian or Alaska Native | | | | | | |
| | | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | |
| Total Workforce | | | | | | | | | | | | | | | | | | |
| Prior FY (2009) | # | 342 | 244 | 98 | 13 | 4 | 220 | 90 | 2 | 0 | 4 | 3 | 2 | 0 | 0 | 1 | 3 | 0 |
| | % | 100 | 71.3 | 28.7 | 3.8 | 1.2 | 64.3 | 26.3 | 0.6 | 0.0 | 1.2 | 0.9 | 0.6 | 0.0 | 0.0 | 0.3 | 0.9 | 0.0 |
| Current FY (2010) | # | 339 | 243 | 96 | 11 | 6 | 222 | 85 | 2 | 1 | 4 | 3 | 2 | 0 | 0 | 1 | 2 | 0 |
| | % | 100 | 71.7 | 28.3 | 3.2 | 1.8 | 65.5 | 25.1 | 0.6 | 0.3 | 1.2 | 0.9 | 0.6 | 0.0 | 0.0 | 0.3 | 0.6 | 0.0 |
| All Occupations CLF | % | 100% | 53.2% | 46.8% | 6.2% | 4.5% | 39.0% | 33.7% | 4.8% | 5.7% | 1.9% | 1.7% | 0.1% | 0.1% | 0.3% | 0.3% | 0.9% | 0.8% |
| Organizational CLF | % | 100% | 56.2% | 43.8% | 4.2% | 3.3% | 42.6% | 32.0% | 4.6% | 4.7% | 3.3% | 2.8% | 0.1% | 0.0% | 0.4% | 0.3% | 1.0% | 0.7% |
| Difference | # | -3 | -1 | -2 | -2 | 2 | 2 | -5 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | -1 | 0 |
| Ratio Change | % | - | 0.3% | -0.3% | 0.6% | -0.6% | 1.2% | -1.2% | 0.0% | 0.3% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -0.3% | 0.0% |
| Net Change | % | -0.9% | -0.4% | -2.0% | -15.4% | 50% | 0.9% | -5.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -33.3% | 0.0% |
| Permanent Workforce | | | | | | | | | | | | | | | | | | |
| Prior FY | # | 327 | 233 | 94 | 13 | 4 | 209 | 86 | 2 | 0 | 4 | 3 | 2 | 0 | 0 | 1 | 3 | 0 |
| | % | 100% | 71.3% | 28.7% | 4.0% | 1.2% | 63.9% | 26.3% | 0.6% | 0.0% | 1.2% | 0.9% | 0.6% | 0.0% | 0.0% | 0.3% | 0.9% | 0.0% |
| Current FY | # | 322 | 231 | 91 | 11 | 6 | 210 | 80 | 2 | 1 | 4 | 3 | 2 | 0 | 0 | 1 | 2 | 0 |
| | % | 100% | 71.7% | 28.3% | 3.4% | 1.9% | 65.2% | 24.8% | 0.6% | 0.3% | 1.2% | 0.9% | 0.6% | 0.0% | 0.0% | 0.3% | 0.6% | 0.0% |
| Difference | # | -5 | -2 | -3 | -2 | 2 | 1 | -6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | -1 | 0 |
| Ratio Change | % | 0.0% | 0.5% | -0.5% | -0.6% | 0.6% | 1.3% | -1.5% | 0.0% | 0.3% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -0.3% | 0.0% |
| Net Change | % | -1.5% | -0.9% | -3.2% | -15.4% | 50% | 0.5% | -7.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -33.3% | 0.0% |
| Temporary Workforce | | | | | | | | | | | | | | | | | | |
| Prior FY | # | 15 | 11 | 4 | | | 11 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | % | 100% | 73.3% | 26.7% | 0.0% | 0.0% | 73.3% | 26.7% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Current FY | # | 17 | 12 | 5 | | | 12 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | % | 100% | 70.6% | 29.4% | 0.0% | 0.0% | 70.6% | 29.4% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Difference | # | 2 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ratio Change | % | 0.0% | -2.7% | 2.7% | 0.0% | 0.0% | -2.7% | 2.7% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Net Change | % | 13.3% | 9.1% | 25.0% | 0.0% | 0.0% | 9.1% | 25.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

BLM Fire & Aviation & National Radio Program as of October 1, 2009 – September 30, 2010

Table B1: TOTAL WORKFORCE - Distribution by Disability

| Employment Tenure | Total | Total by Disability Status | | | | | Detail for Targeted Disabilities | | | | | | | | |
|----------------------------|-------|----------------------------|------------------------|-----------------------|---------------------|----------------------|----------------------------------|------------------------------|------------------------------|----------------------------|-----------------------------|----------------------------|------------------------|-------------------------------|------|
| | | (04, 05) No Disability | (01) Not Identified | (06-94) Disability | Targeted Disability | (16, 17) Deafness | (23, 25) Blindness | (28, 32-38) Missing Limbs | (64-68) Partial Paralysis | (71-78) Total Paralysis | (82) Convulsive Disorder | (90) Mental Retardation | (91) Mental Illness | (92) Distortion Limb/Spine | |
| Total Workforce | | | | | | | | | | | | | | | |
| Prior FY | # | 342 | 308 | 7 | 26 | 1 | | | 1 | | | | | | |
| | % | 100% | 90.1% | 2.0% | 7.6% | 0.3% | | | 0.3% | | | | | | |
| Current FY | # | 339 | 303 | 8 | 27 | 1 | | | 1 | | | | | | |
| | % | 100% | 89.4% | 2.4% | 8.0% | 0.3% | | | 0.3% | | | | | | |
| Federal High | % | | | | | 2.2% | | | | | | | | | |
| Difference | # | -3 | -5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ratio Change | % | | -0.7% | 0.3% | 0.4% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Net Change | % | -0.9% | -1.6% | 14.3% | 3.8% | 0.0% | | | 0.0% | | | | | | |
| Permanent Workforce | | | | | | | | | | | | | | | |
| Prior FY | # | 327 | 293 | 7 | 26 | 1 | | | 1 | | | | | | |
| | % | 100% | 89.6% | 2.1% | 8.0% | 0.3% | 0.0% | 0.0% | 0.3% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Current FY | # | 322 | 286 | 8 | 27 | 1 | | | 1 | | | | | | |
| | % | 100% | 88.8% | 2.5% | 8.4% | 0.3% | 0.0% | 0.0% | 0.3% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Difference | # | -5 | -7 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ratio Change | % | | -0.8% | 0.3% | 0.4% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Net Change | % | -1.5% | -2.4% | 14.3% | 3.8% | 0.0% | | | 0.0% | | | | | | |
| Temporary Workforce | | | | | | | | | | | | | | | |
| Prior FY | # | 15 | 15 | | | | | | | | | | | | |
| | % | 100% | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Current FY | # | 17 | 17 | | | | | | | | | | | | |
| | % | 100% | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Difference | # | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ratio Change | % | | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Net Change | % | 13.3% | 13.3% | | | | | | | | | | | | |

The EEO Process Can Take a Long Time – Be Prepared

The Federal sector EEO process can allow complaints to filter through the “system” for years before even being dismissed on procedural grounds, such as untimely filing. What that means to a federal manager accused of discrimination is that they can be called upon to participate in the EEO process over the course of years without knowing whether, when or how the complaint of discrimination is resolved. This lack of knowledge regarding the course of an employee’s EEO complaint can create a false sense that the matter is “over” when, in fact, it could be tied up in litigation over something like a procedural issue.

Given that the Federal sector’s EEO process is notoriously lengthy and cumbersome, it is in your interest if you have been accused of discrimination and called upon by an EEO counselor or EEO investigator to respond to allegations of discrimination, to become educated about how and when the EEO process will ask you to respond. Knowing how, when and what the process requires of you will undoubtedly make you a more valuable witness for the agency when the agency is required to legally respond to the discrimination complaint.

Because the process can drag out for years, you should keep an accurate record of the information you provide to the EEO counselor or investigator. Keep copies of emails and detailed notes of conversations you have with the EEO counselor. Also, keep a copy of the signed EEO affidavit or statement you give to the investigator.

If you think that once your contact with the counselor or investigator has concluded you won’t be called upon again to retell your version of the events at issue in the complaint, you will likely be wrong as the employee has the right to take their complaint to the EEOC or federal court. At that juncture, which will be a few years after you spoke with the counselor or investigator, you may be asked to testify. After years later, you’ll appreciate having saved your notes of what you did and what you said. Remember, these things take a long time!

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The Expedited Inquiry Process

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 orientation², 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.

² Sexual orientation complaints are processed pursuant to 373 DM 7

Who conducts an Expedited Inquiry?

The EEO Manager may assist, conduct, or make arrangements for the inquiry to be conducted by someone else. The inquiry must be completed within 30 days of receiving the allegation.

What happens after the Expedited Inquiry is completed?

A completed report will be given to management and if warranted, the manager shall take immediate corrective action³, including appropriate disciplinary action. The corrective action shall, at a minimum include:

- taking appropriate actions to correct, eliminate, and cure the harassing environment;
- posting a notice in a conspicuous place, signed by the highest appropriate management official, stating that harassment will not be tolerated in the work place; and
- taking appropriate disciplinary action against the employee doing the harassment; and mandating that the harassing employee take sensitivity training within 60 days of the conclusion/decision regarding the harassment.

Determination that corrective action is not warranted must be fully documented. Managers must consult with the Employee Relations Specialist and other officials as appropriate and necessary. Prevention of Harassment/Hostile Work Environment Training may be suitable for all employees.

What if the Inquiry indicates there is no harassment or hostile work environment?

Managers are encouraged to reaffirm management's commitment to a work environment free from discrimination and harassment.

³ Should an employee be dissatisfied with the management actions taken to correct the harassing environment, he/she will be given a notice of final interview and right to file a complaint of discrimination as provided in the EEOC regulations. Thereafter, the formal complaint will be processed in accordance with EEO regulations at 29 CFR 1614.106, et seq. The EEO Manager's report of inquiry and management actions will represent the Report of Counseling pursuant to 29 CFR 1614.105(c).