

EEO
Self-Study Course
For
Managers and
Supervisors

May 2012

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Understanding the EEO Process Can Alleviate Uncertainty, Stress

The federal EEO process was designed as a model of complaint resolution. Each step provides the opportunity for claims of employment discrimination to be solved in a manner that can be satisfactory to all parties.

While it sounds like a good idea to work toward early settlement of disputes, you may have concerns about where you fit in the EEO process. An employee may accuse a manager of discrimination, but the complaint is filed against the agency head, not the manager. Where does this leave the manager in terms of responsibilities and obligations?

You Are a Witness

It's important to understand that a manager, even one accused of discrimination, is considered a witness, not a defendant. As a witness, a manager's obligation is to cooperate with the officials who process EEO claims and to tell the truth.

While being accused of discrimination can be alarming, it's crucial to remain calm and professional at all times. Taking any sort of negative action against an employee because of that employee's EEO activity is retaliation. This kind of conduct is against the law and could escalate the situation.

If an Employee Files a Complaint

No matter how fair and justified you consider your decision to be, an employee or applicant may think otherwise and seek EEO counseling. The employee might believe unlawful discrimination occurred. Or, the employee might feel your decision was wrong and choose to contest it through a readily available means – the EEO Process.

Either way, it's a signal that the employee has concerns that are serious enough for him to take action. If you keep your cool, listen with an open mind, and take advantage of the help provided by the EEO process, you may be able to resolve the issue early on.

Stages in the EEO Process

Here is a nutshell look at the stages of the EEO process.

- 1. EEO counseling.** The employee must first seek counseling with an EEO counselor at your agency. This is sometimes referred to as filing an informal complaint. At this point, an employee may choose alternative dispute resolution as a means for reaching a resolution. If the employee does not choose ADR, counseling proceeds.

During counseling, the EEO counselor works to define what type of discrimination is being raised and what actions are being contested. But in addition to framing the complaint, the EEO counselor is also charged with trying to resolve the matter at issue by working with the employee and the supervisor. Whether the employee chooses ADR or counseling, there will be opportunities for settling the complaint if both parties are willing to keep their minds open to realistic options.

2. The employee files a formal EEO complaint. If a resolution isn't reached during ADR or counseling, the employee has the right to file a formal EEO complaint. After a formal complaint is filed, the agency must conduct an investigation of the issues raised in the complaint. Managers are required to cooperate with EEO investigators.

3. Final decision or administrative hearing. Once the investigation is complete, the employee can request either a final decision by the agency or an administrative hearing.

4. Final decision. If the employee requests a final decision by the agency, the agency considers the record of the investigation and issues a decision as to whether discrimination occurred as claimed by the employee.

5. Administrative hearing. If the employee requests an administrative hearing, an administrative judge is responsible for considering the claim. The judge usually tries to help the parties settle the case. If those efforts are unsuccessful, the judge may decide the evidence is sufficient to issue a decision without holding a hearing.

More likely, an administrative hearing will be held, with the administrative judge presiding. The hearing will resemble a trial in a civil court, but may be somewhat less formal. After the hearing, the administrative judge will determine what is necessary to remedy the discrimination.

6. Appeal to the EEOC. An employee may appeal an agency's final decision or an administrative judge's decision to the Equal Employment Opportunity Commission. An agency may appeal an administrative judge's decision to the EEOC. The EEOC will not hold a hearing, but will consider the evidence in the record to determine if the decision by the agency or administrative judge was proper.

The EEO process can be long if a complaint proceeds through all the stages. With a positive attitude, you may be able to contribute to an early settlement that allows everyone to move on more quickly. If that doesn't happen, you may feel uncomfortable at times, but it's crucial that you keep your cool and let the process work. If you have any questions or concerns at any point in the process, contact your HR or EEO office.

Don't Retaliate

One more thing to keep in mind: In EEO matters, retaliation occurs when a manager takes action against an employee or applicant who raised an EEO complaint or was somehow involved in EEO matters. Retaliation is against the law, and can make an already difficult situation worse. So will saying anything that indicates to the employee that you are hurt or feel betrayed by the complaint. Although this may seem like a non-threatening expression of your feelings, it could unlawfully “chill” an employee’s desire to engage in EEO activity.

From Managing Today's Federal Employees

How Well Are You Leveraging Diversity?

Our society is more diverse today than it has ever been, and government recognition of the value of that diversity has never been higher. It has long been a matter of public policy that we have a federal workforce as diverse as the society it serves.

Are You Doing All You Can to Recruit, Retain and Utilize a Diverse Workforce?

The question is worth your attention, not only because there is a solid business case to be made for diversity, but because “leveraging diversity” is one of the leadership competencies on which most federal agencies evaluate their supervisors and managers.

A Leadership Competency

When it evaluates your performance as a leader, your agency will use its own working definition of leveraging diversity, but most definitions include these elements:

- Manage your workforce so that you model and enforce respect for all employees, who are valued for their diverse backgrounds.
- Engage in recruiting, hiring and retention efforts to promote diversity in your workforce.
- Manage your diverse workforce to get the most out of every employee, using diversity to achieve positive business results.
- Manage your own behavior and that of your employees to discourage any form of bias or discrimination and to correct it if it occurs.

What Does It Look Like?

How can you measure the diversity of your workforce? Agencies use variations of categories long established as protected against discrimination by equal employment opportunity law:

- Sex (gender)
- Age (over 40)
- Race
- Color
- National origin
- Religion
- Disability

More recently employees have been protected against discrimination because of genetic information. Although it is not a factor in measuring a diverse workforce any bias or discrimination on the basis of genetic information would be considered a failure in diversity.

Sexual orientation is not protected by EEO law, but it is protected by executive order and regulation, and any discrimination against employees based on their sexual orientation would be a failure to leverage diversity.

Building Diversity

Workforce diversity doesn't just happen. Success comes from consistent efforts by managers who understand and support their agency's diversity goals – and then take the steps to reach them.

As a manager, it is your job to work closely with HR staffing specialists to recruit and hire the employees you need. This cooperation has the twin goals of:

1. Providing you with the employees you need to perform your mission.
2. Recruiting and promoting from the most diverse pool of qualified applicants possible.

Ask HR's staffing professionals to explain the various alternatives open to you when filling vacancies, and get specific advice on how you could use them to attract more diverse candidates.

There Are No Quotas

Diversity goals are often misunderstood. Meeting them never requires you to hire a candidate because of the category to which that candidate belongs. You are not expected to fill some sort of hiring quota, which would be illegal in any case.

You are expected to work with HR to increase the diversity of the pool of candidates from which you select your new employees.

From Managing Today's Federal Employees

Work With Employees on Their Emotional Intelligence and Your Own

What makes a good leader? How can you and your agency spot potential leaders among your employees?

These questions are more important than ever now that agencies are engaging in systematic succession planning to fill future management vacancies.

Gretchen Schmelzer, senior consultant with the Teleos Leadership Institute, said her organization defines and encourages leadership potential on the basis of emotional intelligence. Emotional intelligence, she said, is based on two specific observations about what makes for good leaders:

1. Smart is not enough.
2. People feel before they think.

Emotional Intelligence Competencies

The difference between an average leader and a great one, Schmelzer said, is made up largely of emotional intelligence.

Emotional intelligence competencies focus on four areas, she said:

1. Self-awareness: the ability to pay attention to your own feelings and monitor your behavior and to recognize your emotions and the impact they have on you.
2. Self-management: the ability to control your negative emotions and impulsive behavior, even under stress.
3. Social awareness: the ability to sense other people's emotions and how they impact situations.
4. Relationship management: the ability to handle and influence other people based on your social awareness.

But if you try to evaluate the emotional intelligence of your employees based on those concepts, care is needed. In particular, an employee who cultivates a good relationship with a supervisor may not be demonstrating a good overall emotional intelligence, but simply a strong talent for manipulating someone with power. Avoid confusing emotional intelligence with just being nice to you. Pay attention to how employees treat those without power.

While some people are naturally better at some aspects of emotional intelligence than others, emotional intelligence can be learned and strengthened in all its aspects. People can work at this on their own, but supervisors can and should use their relationships with employees to help them improve.

The bottom line

Here's why should you help your employees improve their emotional intelligence:

- Emotional intelligent employees will communicate better with their supervisors, fellow team members, and clients.
- Team functions will be improved.
- Conflicts will be addressed more quickly.
- Team climate will be improved, resulting in improved business results.

From Managing Today's Federal Employees

The 'New' Sexual Harassment Is More Subtle

When her hotel room phone rang at 2a.m., Megan assumed it was an emergency. Maybe a friend or family member was hurt or in trouble. Worried, she sleepily picked it up, only to hear a male coworker on the other end. Not a superior, he was someone with “definitely more power than I had,” urging her to come back down to the hotel bar. It was obvious he was drunk.

“I was astounded,” said Megan, who was in New York with several colleagues for a work conference. “He asked me what I was doing in bed, why wasn’t I down there partying with them.” She told the man she needed to get some sleep and hung up the phone. But the call continued to weigh on her. “When you are not the one in power, and someone does something like that, you just feel unsafe.”

Welcome to the new sexual harassment. It’s usually not about the stuff you see on *Mad Men*, and it’s not chasing the secretary around the desk. “It’s rare now that somebody in the office says, ‘Sleep with me or you’re fired.’” says David Bowman, a labor and employment lawyer. “Now it’s about managers being very flirtatious at the holiday party. It’s about getting drunk together at happy hour and something inappropriate being said or done. People are now aware that certain things are not acceptable, but they still stumble in the subtle areas.”

Those subtle areas can include everything from flirtation at a company party to a complimentary text message or an unwelcome invitation to discuss the latest project over dinner and drinks. “There’s been a new generation of confusion in this area,” says Jay Zweig, an employment lawyer.

“Twenty years ago, it was, ‘Sleep with me if you want the promotion.’ Now most sexual harassment claims have to do with a hostile work environment, someone saying, ‘This person is bothering me. I can’t do my work. I’m distracted and uncomfortable.’”

Much of the problem is that newer technology – e-mail, IM, texting or posting on social-networking sites – makes it much easier for comments to be misconstrued on many levels. Says Bowman: “When you talk in person, 80 percent of what you say is in your tone and body language. With technology, all of that is gone.” If you admire an employee’s new haircut while she is in your office, she can read your tone and body language; and you can read hers. However, a late-night text message admiring your employee’s new haircut can take on a lascivious tone, even if that is not the intention.

A 27-year-old professional woman tells the story of how one of her supervisors, a flirty married man with children, who, after overhearing a previous comment she’d made to a female co-

worker about buying a new dress, sent her a late-night e-mail from his personal account, telling her he couldn't wait to see her in the dress.

"I'm sure you will look amazing in it," he wrote. The woman responded that she didn't appreciate him sending an e-mail like that to her work account, and he claimed it was a mistake and "half-apologized." Later he sent her an IM that she feels was "completely inappropriate." She remembers telling her co-workers she would have to block him.

The woman says she never reported the incidents to her direct supervisor or human resources. "With a staff that small, I knew that any complaint would be public knowledge within seconds," she says, "and I didn't have someone I could go to and feel safe talking about a sexual harassment policy."

Says Zweig: "Sometimes employees don't understand that if you are at home, and send something from a private e-mail account to a co-worker, that it could still be used against you."

And because electronic conversation is such an integral part of office communication, people might feel compelled to respond to it, even if the message makes them uncomfortable. "Someone might write back 'LOL' just to say something, and then the person thinks what they wrote is welcomed," says Bowman, who adds that emoticons can also be a source of misunderstanding: "People use those little winks. Those things can be completely misconstrued, on both ends."

Rick Brenner, a management consultant and workplace politics expert in Cambridge, Mass., says that while a one-time unwelcome electronic message may just be an aberration, a pattern of them, with you or other employees, could spell problems. Rather than running to human resources, Brenner suggests tactfully trying to find out if this person has a history of this kind of thing.

But he acknowledges that if there is a long-standing history of this issue, management may already know about it and have chosen not to act. In this case, he says, you might want to consider finding another job. "The legal path is not for the faint of heart," he says. "You need emotional and financial resources. It depends on how you want to spend your life."

Social-networking sites like Facebook can be another potential source of trouble. "Sites like this can become fertile ground for someone's fantasy life," says Brenner. "If you're trying to maintain a professional stance at work and don't want any entanglements, be careful about what you put up." Innocent vacation photos of you in a bikini may unwittingly draw unwanted attention at work. Brenner recommends having separate profiles for professional and personal contacts, or just sticking to a professional site like LinkedIn for your work colleagues.

Another gray area is office affairs. Even though they may be consensual, the aftermath of an affair gone wrong can be messy for all around. No doubt the head of surgery at a Brooklyn medical center learned this the hard way.

When the doctor with whom he was reported to have had a two-year affair, was fired two months after their relationship ended, she filed sexual harassment charges. Through they worked in separate departments, and he was not her supervisor, experts say the burden of proving that she was fired for legitimate work reasons will still be with the hospital, given the suspect timing of her termination. Workplace relationships can be volatile whether they are clandestine or open. Invariably, when they end, it's hard to get back to just being friend and co-worker.

From MSNBC.com

Contractor Considered Agency Employee in EEO Case Says Court

When government agencies have personal service contracts, they have to be very careful not to put government employees in the position of supervising co-located contract employees. If they step over the line, the government has to face the potential consequences.

A recent case demonstrates that when the government gets too involved in personnel decisions affecting contract employees, it could open the door to EEO complaints just as if the individual is in fact a government employee. And of all places, it was the Executive Office for United States Attorneys (EOUSA) of the Department of Justice that stepped over the line. (*Harris v. Attorney General of the United States*)

According to the court's opinion, Harris worked for Integrated Management Services, Inc. (IMSI), an EOUSA contractor. IMSI provided security support services to the agency, including furnishing staff to serve as Personnel Security Specialists. These individuals did background investigations and prepared reports of those investigations.

Harris was hired by IMSI to serve as a Personnel Security Specialist supporting the agency. The IMSI contract provided that EOUSA would screen and interview IMSI employees before they could be deployed on the agency's contract with IMSI.

Harris was therefore sent to interview with an agency employee, Gloria Harbin, Chief of the Preemployment Security Division of EOUSA.

Harbin testified in a deposition that her duties included interviewing contractors' employee candidates, checking their references, coming up with procedures for contractors' employees once they were hired, and evaluating their work.

When Harbin interviewed Harris, there was no outward sign that Harris was pregnant. After interviewing her and checking Harris' references, Harbin approved her to work at EOUSA. Harris said that by the time she reported for work 2 months later, she was visibly pregnant.

Here's where the evidence becomes conflicting. Harris claims that when the Harbin discovered that she was pregnant, her services were terminated. The agency claims that Harris behaved badly from the start, complaining about her working conditions, her chair, desk location, and so forth, and this is the reason they asked IMSI to pull Harris from the EOUSA contract. What is agreed on is that Harris was terminated the very day she reported.

In any event, Harris filed an EO complaint against the EOUSA for unlawful sex discrimination. The case worked its way to the district court and the agency has filed a motion for summary judgment, arguing that Harris, as a contract employee, may not invoke Title VII of the Civil Rights Act against a federal agency, and hence there is no jurisdiction.

Seems pretty straightforward and should be a clear win for the government, right?

Not so fast, says the court. The court indicates that it turns on whether Harris was an “employee” within the context of Title VII. The court then examines the role EOUSA had in Harris’ employment with IMSI and concludes that Harris was indeed an “employee” for purposes of Title VII. Notwithstanding the clear language in the agency’s contract with IMSI that there was no employer-employee relationship between the contractor’s employees and the government, the facts suggest otherwise. Harris has an assigned supervisor at IMSI, however the agency (Hardin) in fact supervised the co-located IMSI employees. She approved their hire, assigned their work, overviewed their work, set their schedules and duties, and evaluated their performance. The court indicated this added up to Harris being “hired to do a specialized job that was part of the EOUSA’s mission under Harbin’s express supervision.”

In short, the court concludes that Harris was an employee of the agency for Title VII purposes, and denies the government’s motion for summary judgment. As for the conflicting evidence surrounding the reason for Harris’ termination, the court leaves that for a jury to sort out at trial.

Personal service contracts, especially where contractor employees are co-located with agency employees, can be tricky. And, as this case shows they can lead to liabilities the agency never anticipated. The contract documents may be carefully written to draw a line between the agency and the contractor employees, but disputes like this one will turn on the actual practices of agency officials in day-to-day interaction with these individuals.

By Susan McGuire Smith

Understand the Mediation Process

More and more employees are opting to participate in BLM's alternative dispute resolution process, CORE PLUS. The policy allows employees to bring any employment concern to the program. Management is required to participate in the process except in certain situations involving EEO allegations. Below is an article written by an alternative dispute resolution professional for your consideration.

Simple guidelines help assure successful mediation sessions. One of the major problems people encountered at mediation is allowing emotions to overtake you. Mediation is not a contest between an employee and a manager to determine winners and losers. Instead, the critical question should be: **“What outcome is in the best long-term interest of both the agency and the employee?”**

The Mediator's Role

The mediator is not there to judge who is right or wrong or make a determination of whether or not discrimination occurred. The mediator has no power to impose a settlement on anyone. Rather, their job is to help develop solutions that will be acceptable to both sides. Part of being a successful mediator is being affable—even charming. Do not, however, mistake this open and accommodating approach for friendship. The mediator is not there to advocate on the agency's behalf or to assure that you get a “good deal.” It is up to the manager to ensure that any settlement reached is fair and acceptable to the agency's senior managers. If the mediator demonstrates a bias for either side, they are not properly or professionally conducting themselves.

Preparing for the Session

In most cases, you may be allowed to bring someone along as an advisor or as a technical resource. Read and reread any file, notes or documents concerning the dispute. Be certain of a good command of the facts.

Listening skills are extremely important. This is the hardest lesson for to learn. We're often so busy thinking about the next thing we are going to say that we tune out important feedback. Pay close attention to the mediator's comments and observations. Equally important are the reactions of the complainant. Comments may be revealing. Very often the heart of the dispute turns out to be the employee's perception that they were not receiving sufficient personal attention or career support.

Finally, do not be afraid to walk away. Keep in mind that mediation is a voluntary process, and no one can impose a settlement on you. Stated simply, if you cannot achieve a satisfactory settlement, ask to have the session terminated or continued at a later date – when both sides have had chance to cool down and reevaluate their positions.

Most importantly, any information revealed in mediation cannot be used in any forum outside of the mediation process. In other words, if mediation is unsuccessful, the employee may not use information discussed in mediation during the EEO complaint process.

By Don Rider

Medical Confidentiality

During WWII, there was an expression to the effect that “loose lips sink ships.” Perhaps, this should be the motto of every supervisor and manager in the federal sector. Medical disclosure claims keep cropping up at EEOC and it’s important for supervisors and managers to realize that these are not offenses that require a showing that the complainant is an individual with a disability or a showing of intent. **In other words, the medical confidentiality provisions of the ADA apply to any employee, regardless of whether he or she has a disability, and it really doesn’t matter why the supervisor or manager made the disclosure, if it’s prohibited under the ADA, it’s a violation of the Act.**

In *Campbell v. Postmaster General*, EEOC Appeal No. 0120083829 (July 30, 2010), the complainant alleged, among other things, that he informed his supervisor that a group leader had been discussing his medical condition with his coworkers. The agency, to its credit, accepted the claim but proceeded to investigate and analyze it in a final agency decision as a disparate treatment claim. Medical disclosure claims do not require a showing that the complainant has a disability to come within the protected category – **every employee is protected**; it doesn’t really matter if the agency did not disclose medical information about other employees – i.e., disparate treatment, whether it exists or not, has nothing to do with it; and the supervisor’s motive – in this case, apparently to explain to coworkers why the complainant might act the way he did – is equally irrelevant.

This latter question comes up repeatedly in supervisory and managerial training we do: “What should I tell Joe’s coworkers when they want to know why Joe has a different work schedule, nice chair, or whatever it is that Joe has?” And, the answer is relatively simple: “I don’t discuss your employment situation with Joe and I’m not going to discuss his employment situation with you.” If something more needs to be said, and it really doesn’t, something on the order of “Rest assured that Joe is fulfilling all work-related requirements,” can be added. If Joe wants to discuss his medical condition with his coworkers, and maybe he does, that’s his business.

Excerpts of article in EEO Legal Journal

EEOC Charge Against You? It Need Not Turn Into a Long, Costly War

So the worst has happened, and an employee or job applicant has decided to take legal action against your organization for – supposedly – discriminating against him or her.

You sigh. Now you're in for months or even years of adversarial, expensive proceedings with the EEOC and/or in court. Things look bleak.

But wait. The case doesn't have to waste a lot of time and money, and cause a lot of bitterness. There is a possible out: EEOC mediation.

What It Is

What is mediation? Well, it's not a formal investigation, and it's not a court. It's not even binding on the employer or employee – unless they reach an agreement on the dispute that both sides are OK with.

Here's what happens: Most times, after an employee files an EEOC charge, the agency will suggest to both employer and employee that they sit down with a mediator. This is a specialist third party who's seen dozens of employment discrimination disputes, and can recommend a number of ways of voluntarily solving the disagreement. Both parties have to accept mediation for it to take place.

The mediator's magic, according to experts who have attended mediation sessions, lies in his or her ability to back the parties off their initial positions, which are usually both firmly held and emotionally fraught, and get each side to see the other's point.

The EEOC says the typical mediation session lasts just three or four hours. If the parties reach agreement through mediation – sometimes a simple apology is enough to do the trick! – the process ends. A written agreement is signed by both sides, and becomes an enforceable document.

Less Time, Expense

The EEOC says mediation, when it works, usually takes less than three months to settle a case – compared with the months or years that a resolution may take when the case goes through the full EEOC process and/or the courts.

There is no cost to attend the mediation session, although you'll likely have costs associated with it, such as for lawyers to help you prepare. Experts estimate the cost of mediation somewhere in the low four figures, a very economical price tag compared with the alternatives. (There could be additional costs if, say, an employer undertook to pay an employee money as part of the agreement.)

Either or both parties can bring lawyers to the session, and the mediator will decide what role they should play.

Other Advantages

Experts on mediation point out that there are many advantages associated with it, beyond the savings in time and money.

Among these advantages:

- No fault. The mediator's job isn't to determine the guilt or innocence of either employer or employee. It's to try to find enough common ground on which to base an agreement.
- Confidentiality. The parties sign an agreement that the mediation will remain confidential. This means nobody – not other employees, not even EEOC investigators – will get a look at the information produced during mediation.
- Calming influence. It's axiomatic that an angry employee is the employee who's likely to cost you the most money in an employment discrimination dispute. The mediation process helps remove anger and bitterness from the equation.
- Information on workplace conditions. One employee's grievance may be a grievance waiting to happen for others. Suppose a female employee complains that a certain supervisor mistreated her. You learn during mediation that he's also mistreated other women who haven't yet complained. This knowledge may allow you to deal with him and head off further complaints.

From ?

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.

Federal Agency Annual EEO Program Status Report Executive Summary

At the close of FY11, the permanent work force of the BLM Fire and Aviation Directorate (FA, WO-400) and the Division of National Radio Communication (WO-410) totaled 300 employees; a decrease of 22 positions from FY10. The temporary work force included 9 employees, a decrease of 8 positions from FY10. Our overall employment at the end of FY11 was 309, which represents a net decrease of 30 positions. This summary will focus on permanent employees.

The FY 2011 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.
- 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.
- Assistant Director, Fire and Aviation attended the DOI Inclusion and Diversity training.

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 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 established the Aviation Leadership Development Initiative, a mentoring program designed to allow current or potential field BLM aviation managers to apply through a competitive process to attend industry-recognized certificate programs. Two employees, including 1 White woman, were accepted into the program in FY2011.
- EEO and Human Resources Managers coordinated efforts to meet and exceed the summer youth hiring initiative. Students were hired through this program, included two Hispanic men, one Hispanic woman and one Asian/white woman. One of the students has a disability.

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.
- "Do What's Right" training, recognized as an excellent way to train employees on understanding their responsibilities in the area of EEO, ethics and professionalism. 4000 employees from BLM, other Interior agencies, and the USDA Forest Service attended training courses. 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 (JFSP) continued to actively notify both tribal nations and HBCUs of funding opportunities. A professor from Alcorn State University participated as a peer reviewer in FY2011.

The emphasis for JFSP during FY2011 was to promote graduate student innovation awards as a way to support student as they seek careers in wildland fire management. These awards of \$25,000 were used to support additional research and study. Three women and four men were recipients of these graduate research grants.

Through the Association for Fire Ecology, the JFSP provided student travel, research, education experience (TREE) grants. Through these grants, students interact and network with other researchers and managers to develop opportunities for future employment. Students who were given grants in 2011 were 12 women and 8 men from 11 different colleges and universities.

- Human Resources 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 day care facility on the NIFC campus.
- In FY 2010, several Fire and Aviation employees were chosen for developmental details and temporary promotions. Twenty employees, including 3 White females and 1 American Indian/Alaska Native female were temporarily promoted. There were 5 developmental details, including 1 White female.
- The Fire Program's Joint Apprenticeship Program had 15 students from throughout the BLM enrolled in the Basic Academy. They include 2 Hispanic males and 1 White female. There are 30 students in the Advanced Academy, including 5 Hispanic males, 1 Black male, 1 Asian American male, American Indian/Alaska Native male and 1 White female. There is one student in the Advanced Academy with a disability.
- There are 8 Fire Program employees from throughout the BLM enrolled in the Education Program for Natural Resource Specialists (GS-0401) at the University of Nevada Las Vegas (UNLV). They include 1 student with a disability.
- In FY 2011, the Technical Fire Management (TFM) program Cohort 26, which helps onboard employees qualify for Natural Resource Specialist (GS-401) positions had 8 students, including 2 American Indian/Alaska Native males.

Workforce Activity

In FY2011 the BLM Fire and Aviation Directorate and the Division of National Radio Communication permanent workforce decreased 22 positions from 322 employees in FY10 to 300 employees. The number of minorities remained the same at 32, representing 10.7% of the total workforce, an increase of 0.8% from FY2010. Black men increased by 1 position (0.4%). Hispanic women decreased by 1 position (-0.2%).

White men decreased by 8 positions which was an increase of 2.2% and White women decreased by 14 positions (-2.8%).

Complaint Activity

Activity Summary from 10/01/2010 to 09/30/2011

Complaint Type	Count	Average Age of Case
Formal	0	n/a
Informal	0	n/a

Workforce Activity: Changes to race, national origin, and gender of the Permanent Workforce from the end of FY2010 to the end of FY2011 are shown below:

NCLF=National Civilian Labor Force	FY 2010		FY 2011		Change	NCLF
	Number	Percent	Number	Percent	Number	
Female	90	28.0	74	24.7	-16	46.8
White Male	211	65.5	203	67.7	-8	39
White Female	79	24.5	65	21.7	-14	33.7
Black Male	2	0.6	3	1.0	1	4.8
Black Female	1	0.3	1	0.3	0	5.7
Hispanic Male	11	3.4	11	3.7	0	6.2
Hispanic Female	6	1.9	5	1.7	-1	4.5
Asian American Male	4	1.2	4	1.3	0	1.9
Asian American Female	3	0.9	3	1.0	0	1.7
Am. Indian/Alaska Native Male	0	0.0	1	0.3	1	0.3
Am. Indian/Alaska Native Female	1	0.3	0	0.0	-1	0.3
Hawaiian or Other Pacific Male	2	0.6	2	0.7	0	n/a
Hawaiian or Other Pacific Female	0	0.0	0	0.0	0	n/a
Two or More Races Male	2	0.6	2	0.7	0	n/a
Two or More Races Female	0	0.0	0	0.0	0	n/a
Total	322		300			

Leadership Pipeline:

	FY 2010	FY 2011	Change
SES	1	1	0
GS-15	7	6	-1
GS-14	12	13	1
GS-13	53	49	-4

BLM Fire & Aviation & National Radio Program as of October 1, 2010 – September 30, 2011
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 (2010)	#	328	237	91	10	6	217	80	2	1	4	3	2			1	2	0
	%	100%	72.3%	27.7%	3.0%	1.8%	66.2%	24.4%	0.6%	0.3%	1.2%	0.9%	0.6%	0.0%	0.0%	0.3%	0.6%	0.0%
Current FY (2011)	#	317	242	75	12	5	218	65	3	1	4	3	2		1		2	1
	%	100%	76.3%	23.7%	3.8%	1.6%	68.8%	20.5%	0.9%	0.3%	1.3%	0.9%	0.6%	0.0%	0.3%	0.0%	0.6%	0.3%
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%	55.7%	44.3%	4.4%	3.7%	41.9%	32.0%	4.6%	4.8%	3.3%	2.8%	0.1%	0.0%	0.4%	0.3%	1.0%	0.8%
Difference	#	-11	5	-16	2	-1	1	-15	1	0	0	0	0	0	1	-1	0	1
Ratio Change	%		4.1%	-4.1%	0.7%	-0.3%	2.6%	-3.9%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	-0.3	0.0%	0.3%
Net Change	%	-3.4%	2.1%	-17.6%	-15.4%	50%	0.9%	-5.6%	0.0%	0.0%	0.0%	0.0%	0.0%	-	-	-100%	0.0%	-
Permanent Workforce																		
Prior FY	#	311	225	86	10	6	205	75	2	1	4	3	2			1	2	
	%	100%	72.3%	27.7%	3.2%	1.9%	65.9%	24.1%	0.6%	0.3%	1.3%	1.0%	0.6%	0.0%	0.0%	0.3%	0.6%	0.0%
Current FY	#	296	224	72	11	5	201	63	3	1	4	3	2		1		2	
	%	100%	75.7%	24.3%	3.7%	1.7%	67.9%	21.3%	1.0%	0.3%	1.4%	1.0%	0.7%	0.0%	0.3%	0.0%	0.7%	0.0%
Difference	#	-15	-1	-14	1	-1	-4	-12	1	0	0	0	0	0	1	-1	0	0
Ratio Change	%	0.0%	3.3%	-3.3%	0.5%	-0.2%	2.0%	-2.8%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	-0.3%	0.0%	0.0%
Net Change	%	-4.8%	-0.4%	-16.3%	10.0%	16.7%	-2.0%	-16.0%	50%	0.0%	0.0%	0.0%	0.0%	-	-	-100%	0.0%	-
Temporary Workforce																		
Prior FY	#	17	12	5			12	5										
	%	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%
Current FY	#	21	18	3	1		17	2										1
	%	100%	85.7%	14.3%	4.8%	0.0%	81.0%	9.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%
Difference	#	4	6	-2	1	0	5	-3	0	0	0	0	0	0	0	0	0	1
Ratio Change	%	-	15.1%	-15.1%	4.8%	0.0%	10.4%	-19.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%
Net Change	%	23.5%	50.0%	-40.0%	-	-	41.7%	-60.0%	-	-	-	-	-	-	-	-	-	-

BLM Fire & Aviation & National Radio Program as of October 1, 2010 – September 30, 2011
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	#	328	293	7	28	1			1						
	%	100%	89.3%	2.1%	8.5%	0.3%			0.3%						
Current FY	#	317	282	7	28	1			1						
	%	100%	89.0%	2.2%	8.8%	0.3%			0.3%						
Federal High	%					2.2%									
Difference	#	-11	-11	0	0	0	0	0	0	0	0	0	0	0	0
Ratio Change	%	-	-0.4%	0.1%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Net Change	%	-4.8%	-4.7%	-14.3%	3.6%	0.0%	-	-	0.0%	-	-	-	-	-	-
Permanent Workforce															
Prior FY	#	311	276	7	28	1			1						
	%	100%	88.7%	2.3%	9.0%	0.3%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Current FY	#	296	263	6	27	1			1						
	%	100%	88.9%	2.0%	9.1%	0.3%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Difference	#	-15	-13	-1	-1	0	0	0	0	0	0	0	0	0	0
Ratio Change	%	-	-0.1%	-0.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Net Change	%	-4.8%	-4.7%	-14.3%	-3.6%	0.0%	-	-	0.0%	-	-	-	-	-	-
Temporary Workforce															
Prior 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%
Current FY	#	21	19	1	1										
	%	100%	90.5%	4.8%	4.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Difference	#	4	2	1	1	0	0	0	0	0	0	0	0	0	0
Ratio Change	%	-	-9.5%	4.8%	4.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Net Change	%	23.5%	11.8%	-	-	-	--	-	-	-	-	-	-	-	-

