

Your Rights as an Employee

Federal discrimination laws provide basic rights for job applicants and employees. The laws apply to applicants, employees, and former employees. Full-time, part-time, seasonal, and temporary employees are protected. Federal government agencies are covered by the laws.

You have the right to:

Work Free of Discrimination

You have a right to work free of discrimination. This means that your supervisor cannot make job decisions because of your race, color, religion, sex, national origin, disability, age (age 40 or older), sexual orientation, genetic information, marital status, and/or parental status. This right applies to all types of job decisions, including hiring, firing, promotions, training, wages, and benefits.

Work Free of Harassment

You have a right to work in an environment free of harassment based on race, color, religion, sex, national origin, disability, age (age 40 or older), sexual orientation, genetic information, marital status, and/or parental status.

Complain About Job Discrimination without Retaliation

You have a right to complain about treatment that you believe is illegal job discrimination. Your supervisor cannot punish you, treat you differently or harass you if you report job discrimination or help someone else report job discrimination, even if it turns out the conduct was not illegal. This is your right to be protected from retaliation.

Request Workplace Changes for Your Religion or Disability

You have a right to request reasonable changes to your workplace because of your religious beliefs or physical or mental disability. Although your supervisor does not have to grant every request, he or she should carefully consider each request and whether it would be possible.

Keep Your Medical Information Private

You have a right that any medical information you share with the Bureau will be kept private. Your supervisor should not discuss your medical information with others, unless they have a need to know the information. The law also strictly limits what an employer can ask you about your health.

Your Responsibilities as an Employee

The federal discrimination laws enforced by EEOC provide three basic guidelines for you to follow as an employee:

Don't Discriminate

You should not treat your co-workers unfairly or harass them because of their race, color, national origin, sex, religion, disability, age (age 40 or older), sexual orientation, genetic information, marital status, and/or parental status. For example, you should not tell sexual or racial jokes at work.

Report Discrimination

You should tell your supervisor or other responsible official about any unfair treatment or harassment. BLM Fire & Aviation issues a policy each year on discrimination that specifies who you should contact about these issues. There is a copy of the current memo in your new employee packet.

Request Workplace Changes

You have a responsibility to tell your supervisor if you need a workplace change because of your religious beliefs or physical or mental disability. Your request does not have to be in writing, but you must provide enough information so your supervisor can determine how to help you.

Your Responsibilities as a Manager

Managers have five basic responsibilities under the federal discrimination laws:

Don't Discriminate

Any decisions you make about other employees, such as hiring, firing, scheduling, or assigning work tasks, should not be made because of a person's race, color, religion, sex, national origin, disability, age (age 40 or older), sexual orientation, genetic information, marital status, and/or parental status. You also may not harass an employee for any of these reasons.

Report Discrimination

You have a duty to bring any unfair treatment or harassment to the Bureau's attention. As a manager, you must act immediately to correct the situation.

Don't Punish Employees for Reporting Discrimination

Employees have a right to complain about treatment that they believe is illegal job discrimination. You cannot punish employees, treat them differently, or harass them because they report job discrimination or help someone else report job discrimination; even if it turns out that the conduct was not illegal discrimination.

Grant Requests for Workplace Changes

You may be asked to make changes to the workplace or to workplace rules because of a person's religious beliefs or physical or mental disability. For example, a Jewish employee may ask to change her schedule to observe the Sabbath or a disabled employee may ask to use specialized equipment to perform his job.

In general, the law expects you to carefully consider each request and whether it would be possible. However, it is not always easy to determine the answer to these questions, so you should always check with more senior managers about agency policies.

Keep Employee Medical Information Private

The law requires that you keep an employee's medical information private, unless there is a need for a more senior manager to know about it. This means that you should not discuss any employee's medical information with other co-workers. The law also places strict limits on when you can ask an employee about his or her medical condition.

Work Now, Grieve Later

Work now, grieve later. This is the substance of working in the federal government. Federal employees can file EEO complaints alleging discrimination, Office of Special Counsel complaints for whistleblower reprisal or prohibited personnel practices, or internal grievances on a variety of matters. However, for all employees, if your supervisor gives you an assignment or an order, you must do what is assigned and file an objection to it after the fact.

The only exception to this so-called “work now, grieve later” rule is if carrying out the supervisor’s wishes places you, the employee in physical danger, endangers others, or would result in you committing an illegal act. Otherwise, you or any employee must follow the instructions and then file a grievance or complaint.

The bottom line is this: you should understand you have an obligation to carry out your supervisor’s orders.

EEO Training

BLM employees are offered the opportunity to take training. Sometimes it is to improve performance, learn new technology, or qualify for an ICS assignment. In other instances it is required by federal laws and regulations. Under the Notification of Federal Employees Anti-Discrimination Act (No Fear Act) every employee of the Department of the Interior must complete the training course, *Discrimination and Whistleblowing in the Workplace*. Employees new to the DOI must successfully complete the training within 60 days of entry on duty.

Preventing Workplace Harassment

The laws enforced by EEOC prohibit workplace harassment because of race, color, national origin, sex, religion, disability, or age (age 40 or older), sexual orientation, genetic information, marital status, and/or parental status. The laws also protect you from being harassed at work because you report discrimination, file a job discrimination complaint, or help someone else report job discrimination, even if it turns out the conduct was not illegal.

Harassment can take many different forms. It can involve verbal, physical or visual conduct and can occur on or off the work site. The harasser can be your manager, a manager in another area, a co-worker, or others in your workplace, such as clients or customers.

For workplace harassment to be illegal, the conduct must either be severe (meaning very serious) or pervasive (meaning that it occurred frequently). Workplace harassment is also illegal if it results in your employer making an employment decision about you, such as promoting or demoting you.

If you are being harassed at work, you should take appropriate steps at an early stage to prevent the harassment from becoming severe or pervasive. Our policy asks you to tell the harasser that you find his or her behavior unwelcome. If you don't feel comfortable confronting the harasser or the harassment does not stop, you should tell your supervisor about the harassment. Or you can contact the EEO Office, the EEO Manager at (208)387-5454, an EEO Counselor or any one you trust to take appropriate action. When you are on an incident, contact a Human Relations Officer, if one is available.

Once an official in the Bureau knows that you are being harassed, the Bureau has the responsibility to correct the situation and protect you from further harassment. If you do not promptly report workplace harassment, it may affect your rights.

Disability Discrimination

The law against disability discrimination provides job applicants and employees with four basic rights:

- The law prohibits an employer from treating you differently, or less favorably, because you or someone you associate with has a disability, has a history of once having a disability, or is treated as having a disability.
- The law prohibits harassment at work by managers, co-workers, or others in the workplace, based on a person's disability.
- The law gives you the right to request reasonable workplace changes to allow you to apply for a job, perform your job, have access to the workplace, or enjoy the same benefits available to other employees. We call these requests for "reasonable accommodation." Although an employer does not have to grant every request for a workplace change, it is required to carefully consider each request and whether it would be possible.
- The law strictly limits what an employer can ask you about your health and requires an employer to keep any medical information you share private. Your employer should not discuss your medical information with others, unless they have a need to know the information.

Not all medical conditions are covered by the law. Determining whether a person with a particular medical condition is covered can be complicated and will vary from person to person.

A person with a disability, like all other applicants and employees, must be able to perform the job he or she is applying for or currently holds, with or without reasonable accommodation. An employer does not have to hire or retain a person who cannot perform the major job duties because of disability.

Religious Discrimination

The law prohibits an employer from treating you differently, or less favorably, because you or someone you associate with holds a particular religious belief (or non-belief). The law protects all sincerely-held religious beliefs. It does not matter if you hold the beliefs of a traditional organized religion, such as Buddhism, Christianity, or Judaism, or if you hold what others consider nontraditional beliefs, such as Wicca and Rastafarianism. Non-believers also are protected from religious discrimination.

The law also protects you from being harassed at work, by managers, co-workers, or others in your workplace, because of your religious beliefs.

Finally, the law gives you the right to request reasonable changes to the workplace because of your religious beliefs. We call these requests for “religious accommodation.” Although your employer does not have to grant every request for a workplace change, it is required to carefully consider each request and whether it would be possible. An employer might not have to grant your request if it would be too costly, have a negative impact on efficiency, reduce workplace safety, or have a negative impact on the rights of other employees.