

Participant Guide

Prepared by:

Bureau of Land Management

National Training Center – Phoenix, Arizona

Office of Fire and Aviation – Boise, Idaho

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Part 1: The Basic "Do What's Right" Module

Do What's Right: Leadership and Professionalism

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Welcome

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

Theme

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

Goals and Objectives

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

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

Rights, Responsibilities and Consequences

All employees have a right to:

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

All employees have the responsibility to:

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

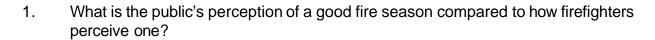
Serious consequences can result for not doing what's right including:

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

Discussion of Scenario One

Week 2: A Crew goes out on one of their first dispatches of the season.

Questions:



2. What should be the expectations of the public?

Assume the public is always watching.

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

Discussion of Scenario Two

Week	6: Outside the ready room.			
Questions:				
1.	How do you know when behaviors become inappropriate and begin to compromise crew cohesion?			
2.	What does being professional really mean?			
3.	What about Kayla's advice that Justin should say something?			

Don't ignore behavior that compromises crew cohesion.

Be professional in all environments.

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

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

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

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

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

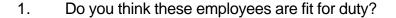
It's doing the right thing, holding to the highest standard, developing best practices, when nobody else is looking. Doing those things because they're right, not because you're told to do them or afraid you'll get caught if you don't.

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

Discussion of Scenario Three

Week 8: Last night of crew assignment off district

Questions:



2. If you were their supervisor, what points would you bring out when you meet with the crew?

3. How difficult will it be to overcome the disapproval of those who witnessed or heard about the behavior?

Reputation takes time to earn and no time to lose.

There are consequences for misconduct, even off duty.

Discussion of Scenario Four

Veek 10: Kayla meets with her bosses.

Questions:

1. Ideally, how could this have been resolved earlier in the season? Could her crew members have played a role in an early resolution?

2. Is there anything Kayla could have done differently?

Resolve issues as soon as possible.

Demonstrate leadership.

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Appendix A - Policies

Interagency Standards for Fire and Fire Aviation Operations 2006, Chapter 01

Employee Responsibility

All employees, cooperators, contractors, and volunteers who participate in wildland fire operations have the duty to treat one another with respect and to maintain a work environment free of harassment.

Hazing is considered a form of harassment. Hazing is defined as any action taken, or situation created intentionally, to produce mental or physical discomfort, embarrassment, or ridicule.

There is zero tolerance of misconduct, whether it is harassment, hazing, or any other inappropriate behavior. We must all take responsibility for creating and ensuring a healthy and safe work environment.

Every individual has a responsibility to report harassment, inappropriate behavior, and take positive action to mitigate its effects.

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UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT WASHINGTON, D.C. 20240 http://www.blm.gov

February 17, 2006

In Reply Refer To: 1400-713 (720) I

EMS TRANSMISSION 02/23/2006 Information Bulletin No. 2006-067

To: All Employees

From: Director

Subject: Policy on Equal Employment Opportunity and Zero Tolerance of Discrimination

In order to ensure a safe and productive work environment for all Bureau of Land Management (BLM) employees, it is the policy of the BLM to eradicate, prohibit, and forbid any type of discrimination or harassment based on race, religion, age, national origin, color, sex, sexual orientation, mental or physical disability, genetic information, marital status and/or parental status in the workplace. This policy will be applied in all facets of recruitment, employment, development, advancement, supervision, and treatment of employees and applicants.

Equal Employment Opportunity (EEO) is an integral component in the management of our workforce. Full individual potential can be realized only when all our employees receive equal opportunity and fair treatment. Equal Employment Opportunity considerations must form an integral part of the decision-making process of every manager and supervisor. Non-supervisory personnel must share the responsibility and support this effort through their own conduct and sensitivity to the rights of coworkers and others with whom they interact on the job.

All employees have a legal and ethical responsibility to refrain from such unacceptable practices and conduct in the workplace and to carry out the BLM's policy on equal opportunity and to promote it through exemplary conduct and sensitivity for the rights of fellow employees and the public that we serve. Managers and supervisors particularly will be held responsible and accountable for promoting and ensuring equal opportunity in the BLM's' policies, programs, and practices. Managers and supervisors are required to take immediate and effective action to enforce the Equal Opportunity policy when harassing activities are brought to their attention.

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Managers, supervisors, and employees, as well as our contractors, cooperators, and volunteers, have the responsibility to work for and maintain a discrimination-free environment for everyone and prevent harassment in the workplace, in all of its various forms. The work environment includes Government buildings and offices and field sites-anywhere that work-related activities occur. It also includes vehicles or other conveyances used for travel while on duty.

Any employee who believes he/she has been subjected to discrimination or harassment based on their race, religion, age, national origin, color, sex, sexual orientation, mental or physical disability, genetic information, marital status, and/or parental status should immediately report it to a supervisor or manager for a prompt, thorough and impartial investigation and appropriate corrective action. Managers and supervisors will keep these matters confidential to the extent possible. Also, an employee has the right to have his/her discriminatory concerns address through the EEO process. To use the EEO process, Federal regulations mandate the aggrieved to bring the matter to the attention of an EEO Counselor, EEO Specialist, or EEO Manager within 45 days of the incident. In either case, appropriate management officials will take immediate action to stop the harassing activities.

Retaliation and reprisal directed at employees who make complaints of harassment or provide information related to such complaints will not be tolerated. You should be aware that an employee can be held personally liable for harassment and such conduct could cost an individual their job. Managers and supervisors particularly will be held responsible and accountable for promoting and ensuring equal opportunity in the BLM's policies, programs and practices. Accordingly, managers and supervisors must be alert to issues which might result in allegations of unlawful discrimination and harassment and deter such acts. Discrimination has no place in the BLM.

Any questions related to this policy should be addressed to Bobbie A. Moore, Deputy Assistant Director of Equal Employment Opportunity, at (202) 208-1577.

Signed by: Lawrence E. Benna Acting, Director Authenticated by: Robert M. Williams Policy and Records Group, WO-560

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Appendix B - Key Contacts

Human Resources and EEO Managers

Alaska State Office:			
Jack Busteed, Human Resources Officer Sandra Martinez, EEO Manager	(907) 271-3170 (907) 271-5545		
Arizona State Office:			
Charles Molden, Human Resources Officer Ceci Andrews, EEO Manager	(602) 417-9270 (602) 417-9218		
California State Office:			
Sherian Long, Human Resources Officer Mario Gonzalez, EEO Manager	(916) 978-4461 (916) 978-4492		
Colorado State Office:			
Melissa Dukes, Human Resources Officer Enrico David, EEO Manager	(303) 239-3920 (303) 239-3616		
Eastern States Office:			
Donna Jordan, Human Resources Officer Lynda Nix, EEO Manager	(703) 440-1504 (703) 440-1593		
Office of Fire and Aviation:			
Jim Knox, Human Resources Officer Debie Chivers, EEO Manager	(208) 387-5514 (208) 387-5454		
Idaho State Office:			
Bill Kelley, Human Resources Officer Rani Simmons, EEO Manager	(208) 373-3920 (208) 373-4011		
Montana State Office:			
Diane Friez, Human Resources Officer Sara Romero-Minkoff, EEO Manager	(406) 896-5002 (406) 896-5180		
Nevada State Office:			
Dennis Williamson, Human Resources Officer Francisco Lujan, EEO Manager	(775) 861-6433 (775) 861-6584		

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Human Resources and EEO Managers (continued)

New Mexico State Office:			
Amy Taylor, Human Resources Manager Rita Montoya, EEO Manager	(505) 438-7646 (505) 438-7687		
Oregon State Office:			
Mark Colville, Human Resources Manager Karen Wilson, EEO Manager	(503) 808-6409 (503) 808-6341		
Utah State Office:			
Kevin Petz, Human Resources Manager Denise Brewton, EEO Manager	(801) 539-4187 (801) 539-4007		
Wyoming State Office:			
Deri Young, Human Resources Manager Michael Lucero, EEO Manager	(307) 775-6036 (307) 775-6010		
Washington Office:			
Bob Renton, Deputy Assistant Director for Human Resources Bobbie Moore, Deputy Assistant Director for EEO	(202) 501-6505 (202) 208-1577		
National Human Resources Management Center:			
Annette Martinez, Human Resources Manager Vacant, EEO Manager	(303) 236-6505 (303) 236-6467		

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Appendix C – The EEO Process

EEO Counseling

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

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

What You Have To Do

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

What Counselors Do

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

What Counselors Do Not Do

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

Alternative Dispute Resolution

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

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When Counseling Doesn't Resolve the Matter

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

Alternative Dispute Resolution – Mediation

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

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

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

Why Choose ADR

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

What ADR Can NOT Be Use For:

- Allegations of discrimination involving removal from Federal Service.
- Allegations of discrimination involving a class of employees or applicants, i.e., a Class Complaint.

Mediation

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

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Who Uses Mediation?

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

Who Are the Mediators?

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

What Are the Benefits of Mediation?

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

Formal Complaints

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

The complaint of discrimination must:

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

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

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Investigation of Complaints

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

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

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

Age Discrimination Complaints

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

Freedom From Reprisal

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

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Appendix D – Administrative Grievance Procedures

DOI Administrative Grievance Procedure, Part 370 DM, Chapter 771

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

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

Procedure – with certain limited exceptions, employees must first seek informal adjustment or resolution via supervisory channels prior to filing a formal grievance.

Informal Procedure – employees must submit an informal grievance **within 15** days (all references to "days" means calendar days) of the particular act or occurrence giving rise to the grievance, or **15** days from the employee gaining knowledge of the event. An informal grievance may be oral or written and is usually submitted to the immediate supervisor. Within 7 days of receipt of an informal grievance, a supervisor or manager is required to issue, in writing, a summary of the grievance and their decision on the matter, i.e., to grant, deny, or partially grant the personal relief requested.

Formal Procedure – If an employee is not satisfied with the response provided during the informal grievance stage, they may elect to initiate/file a formal grievance. The formal grievance must be filed within 5 days of receipt of the informal grievance response. A formal grievance must be filed in writing, contain the signature of the grievant, be of specific and sufficient detail as to identify the basis of the grievance, and request relief that is specific and personal to the grievant.

Formal grievances are submitted to the servicing Human Resources (HR) Office for a determination of acceptability and, if accepted, referral to a deciding official. The HR Office will make the acceptability determination and referral within 7 days of receipt of the formal grievance. The assigned deciding official is generally an official in the next higher organizational level than that level which provided the informal grievance response.

A deciding official is allotted 20 days from their receipt of the referred formal grievance to determine the appropriate action on the grieved matter and to communicate, in writing, their decision to the grievant. A deciding official may conclude that the appropriate action is to grant full relief, partial relief, proposal of an alternative remedy, or a denial of all relief requested. In any case, the decision must be transmitted to the grievant within 20 days of the deciding official's receipt of the formal grievance.

If the deciding official concludes that no adjustment, or relief requested, is possible, a written "negative determination" is issued and the grievant is provided further appeal rights consisting of requesting that the matter be referred to a Hearings Examiner from the Department of the Interior's Office of Hearings and Appeals (OHA). Employees must request this review from OHA within 7 days of their receipt of a negative determination.

If requested, the matter is referred to the DOI Office of Hearings and Appeals and a Hearings Examiner is assigned the case. From this point, a Hearings Examiner will schedule a hearing, after which a recommended decision will be provided for consideration by the Agency.

Appendix E – Sexual Harassment Quick Reference Guide

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

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

If you are an observer of questionable behavior:

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

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

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