

Do What's Right: Leadership and Professionalism



Participant Guide

Prepared by:

Bureau of Land Management

National Training Center – Phoenix, Arizona

Office of Fire and Aviation – Boise, Idaho

March 1, 2006

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

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.

Appendix B – Key Contacts

Human Resources and EEO Managers

Alaska State Office:

Jack Busteed, Human Resources Officer (907) 271-3170
Sandra Martinez, EEO Manager (907) 271-5545

Arizona State Office:

Charles Molden, Human Resources Officer (602) 417-9270
Ceci Andrews, EEO Manager (602) 417-9218

California State Office:

Sherian Long, Human Resources Officer (916) 978-4461
Mario Gonzalez, EEO Manager (916) 978-4492

Colorado State Office:

Melissa Dukes, Human Resources Officer (303) 239-3920
Enrico David, EEO Manager (303) 239-3616

Eastern States Office:

Donna Jordan, Human Resources Officer (703) 440-1504
Lynda Nix, EEO Manager (703) 440-1593

Office of Fire and Aviation:

Jim Knox, Human Resources Officer (208) 387-5514
Debie Chivers, EEO Manager (208) 387-5454

Idaho State Office:

Bill Kelley, Human Resources Officer (208) 373-3920
Rani Simmons, EEO Manager (208) 373-4011

Montana State Office:

Diane Friez, Human Resources Officer (406) 896-5002
Sara Romero-Minkoff, EEO Manager (406) 896-5180

Nevada State Office:

Dennis Williamson, Human Resources Officer (775) 861-6433
Francisco Lujan, EEO Manager (775) 861-6584

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.

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.

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.