

Do What's Right:

**Duty,
Integrity
&
Respect**



Participant Guide

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National Training Center – Phoenix, Arizona
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Do What’s Right: Duty, Integrity & Respect

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Do What's Right: Duty, Integrity & Respect

Welcome

This program is directed to everyone in the fire community, whether you are at a fire base, outstation, or 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 several personal **Values** that are key to guiding how we interact with each other. They are:

- Duty** – how we value our job. Duty begins with everything required of you by law and policy, but it is much more than that. It includes excellence in all aspects of your professional responsibility.
- Integrity** – how we value ourselves. People of integrity separate what is right from what is wrong and act accordingly.
- Respect** – how we value our co-workers. Respect for the individual forms the very basis for the rule of law in America.

Goals and Objectives

The goals and objectives of this session are for you to 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

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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

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DISCUSSION OF SCENARIO ONE

An employee finds out she did not get chosen for a detail assignment.

Behaviors that support a respectful, cohesive work environment.

Behavior that distracts from a respectful, cohesive work environment.

Discussion:

How do these behaviors support or detract from a cohesive work environment?

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Value your job.

DISCUSSION OF SCENARIO TWO

Two employees are ready to leave for an assignment when they discover the keys are locked in the vehicle.

How do you feel about how Carlos handles Mike's comments?

Discussion:

What can each of us do to support respect in a diverse workplace?

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**Do what's right!
Treat everyone with respect.**

DISCUSSION OF SCENARIO THREE

A new supervisor gives direction to a crew member on how to sharpen a chainsaw.

What clues did you see that suggest there is room for improvement in the respect these crew members show for each other?

Discussion:

- What could each person have done differently to improve crew cohesion?

- When does disrespect cross the line into hazing?

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Do what's right!
Value your co-workers.

DISCUSSION OF SCENARIO FOUR

An engine pulls into a rest stop and meets a family on a picnic.

If you were the crew boss, how would you handle the situation?

Discussion:

- What if the behavior happened out of the public eye?

- What does it mean to be in the public eye?

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Act professionally.

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DISCUSSION OF SCENARIO FIVE

An off-duty employee is called back to work.

What do you think?

- In 2002, an estimated 17,419 people died in alcohol-related traffic crashes—an average of one every 30 minutes. These deaths constitute 41 percent of the 42,815 total traffic fatalities. (NHTSA, 2003)
- In 2001, more than half a million people were injured in crashes where police reported that alcohol was present—an average of one person injured approximately every 2 minutes. (Blincoe, Seay et al., 2002)

Discussion:

What are the responsibilities of each person in situations like the one you just observed?

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Firefighter and public safety is our number one priority.

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DISCUSSION OF SCENARIO SIX

Members of a helitack crew have a conversation in the locker room.

What's right about what you see here?

Discussion:

Thinking back on today's scenarios and discussions, what do the words duty, respect and integrity mean to you?

A lot of people these days think that ethics is basically about staying out of trouble...the ancient philosophers had a very different perspective—they thought that ethics is about building strength within yourself, between people, in organizations.

—Tom Morris

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Everyone can be a leader.

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APPENDIX A – Policies

Employee Responsibility from *Interagency Standards for Fire and Fire Aviation Operations 2005*

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>

March 4, 2005

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

EMS TRANSMISSION: 03/10/2005
Information Bulletin No. 2005-083

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 discourage any type of discrimination or harassment based on race, religion, age, national origin, color, sex, sexual orientation, and/or mental or physical disability 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 work force. 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 work place, and to carry out the Bureau's policies 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 Bureaus' policies, programs, and practices. Managers and supervisors are required to take immediate and effective action to enforce these policies when harassing activities are brought to their attention.

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.

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Any employee who believes he/she has been subjected to harassment based on their race, religion, age, national origin, color, sex, sexual orientation, and/or mental or physical disability, 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 may choose 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 provided 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 Bureau'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: Kathleen Clarke
Director

Authenticated by: Glenda Barnes
WO-560 Policy and Records Group

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APPENDIX B – Key Contacts

Human Resources and EEO Managers:

Alaska State Office:

Jack Busted, Human Resources Officer (907) 271-3170
Gust Panos, EEO Manager (acting) (907) 271-5545

Arizona State Office:

Mark Whitesell, 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:

Todd Ryan, Human Resources Officer (acting) (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

New Mexico State Office:

Vince Galterio, Human Resources Manager (505) 438-7646
Rita Montoya, EEO Manager (acting) (505) 438-7687

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Human Resources and EEO Managers (continued):

Oregon State Office:

Mark Colville, Human Resources Manager	(503) 808-6409
Karen Wilson, EEO Manager	(503) 808-6341

Utah State Office:

Vacant, Human Resources Manager	(801) 539-4187
Denise Brewton, EEO Manager	(801) 539-4007

Wyoming State Office:

Deri Young, Human Resources Manager	(307) 775-6036
Michael Lucero, EEO Manager	(307) 775-6010

Washington Office:

Bob Renton, Deputy Assistant Director for Human Resources	(202) 501-6505
Bobbie Moore, Deputy Assistant Director for EEO	(202) 208-1577

National Human Resources Management Center:

Annette Martinez, Human Resources Manager (acting)	(303) 236-6505
Lorenzo Cervantes, EEO Manager	(303) 236-6467

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Appendix C – EEO Counseling Process

Discrimination

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.

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Appendix E – Sexual Harassment Quick Reference Guide for Employees

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's 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's sexual harassment when:

- It goes beyond the point of comfort and is pervasive and severe.
- It's 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 sexual requests or favors.