

Do What's Right:

**Duty,
Integrity
&
Respect**



Facilitator Guide

Prepared by:

Bureau of Land Management
National Training Center – Phoenix, Arizona
Office of Fire and Aviation – Boise, Idaho

BUREAU OF LAND MANAGEMENT
NATIONAL TRAINING CENTER **OFFICE OF FIRE AND AVIATION**

FACILITATOR'S GUIDE: Do What's Right: Duty, Integrity & Respect

March 1, 2005

TABLE OF CONTENTS

Part 1: The Basic “Do What’s Right” Module

Responsibilities of the Facilitator	2
How to Interact with the Participants	3
Optional Topics	3
Facilitator’s Welcome Remarks to the Class.....	4
Scenario One.....	6
Scenario Two.....	9
Scenario Three.....	11
Scenario Four	13
Scenario Five	15
Scenario Six	16

Part 2: **Appendices**

Appendix A: Policies	18
Appendix B: Key Contacts	21
Appendix C: EEO Counseling Process.....	23
Appendix D: Administrative Grievance Procedures	27
Appendix E: Sexual Harassment.....	28
Appendix F: Course Roster Sheets	29

FACILITATOR'S GUIDE: Do What's Right: Duty, Integrity & Respect

Responsibilities of the Facilitator

- You are key to the success of this course.
- Your job as the facilitator is to guide the discussion and encourage participation.
- This guide is organized to provide a structured approach to teaching this course.
- Each participant will have a Participant Guide to follow as you facilitate this training.
- This course is designed for all employees, both supervisory and non-supervisory.

To prepare for the course you need to:

- Confirm the date and time for the course – reserve at least 2 hours.
- Reserve a room.
- Notify your employees of the date, time and location of the course.
- Review the Participant Guide.
- Review the Facilitator Guide and the VCR tape so you are ready, willing, and able to facilitate this course.
- Gather the needed equipment and supplies.

The Equipment and Supplies needed include:

- VCR and monitor
- Video tape
- This Facilitator Guide
- Participant Guide for each employee.
- Copy of *Interagency Standards for Fire and Aviation Operations* (Red Book)
- Pens or Pencils for students
- Several copies of blank roster (included in Appendix F of this Facilitator Guide)

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Before you start the course:

- Have each employee sign his/her name on the roster.

During the course:

- Follow this Facilitator Guide starting on page 4.

After the course:

- Fax a copy of signed roster sheets to Debie Chivers at (208) 387-5452.
- Retain a copy with each employee's training record.

How to Interact with the Participants

- Participants will view a series of video clip scenarios depicting workplace situations involving EEO and conduct problems.
- After each scenario, stop the tape when instructed to do so and engage participants in a discussion of what they have just viewed.
- The Participant Guide is organized to allow participants an opportunity to take notes and answers key questions you present to them. You, as facilitator, will guide a discussion on each question with participants.
- Remember, their participation in the discussions with you is the key to making this training work.

Optional Topics

Here are some additional topics you could discuss in your class if they are pertinent to your office.

- Inappropriate language at work
- Drug use
- Physical threats
- Off-duty behavior at a guard station
- Dating between crew boss and crew
- Sexual Harassment

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The Basic "Do What's Right" Module For All Employees

Facilitator's Welcome Remarks To The Class

SAY

I would like to welcome you today, explain why we are here and explain what we will do in order to complete this course.

This course will run about 2 hours.

We will watch and hear some straightforward messages from colleagues in the Fire Community. We will watch six scenarios that we will talk about during the course.

I will be starting and stopping the video at various points to ask you some questions about what you have just seen. You'll have an opportunity to write down your thoughts in your Participant Guide. I will be asking for your reactions so we can discuss the issues.

I can't do this alone. I need your responses so we can have a dialogue.

Your Participant Guide is organized so you can take notes and follow along with me. Let's take a minute to look at the guide and read pages 2 and 3. They are absolutely essential to what you are going to learn today. Any questions? (Give them a minute to read.)

Notice the theme of this course – duty, integrity and respect. We didn't pull these words out of the air. They are included in the Red Book and leadership courses you may have taken.

The introduction to this course is provided on this short video segment, which we will watch now

Note to Facilitator: (We provided this as background)

START THE
VIDEOTAPE.

Introductory Remarks from the Narrator

Note: the narrator on the video covers the remarks in italics.

Growing up the fire community, we have all been educated on the importance of fighting fire safety and effectively and most importantly of being proficient in our job in order to do the best we can. Yet during all of your training you won't find many instructors using the words duty, respect, courage of integrity very often. These are just a few of the qualities we are expecting you to bring with you the first day on the job.

For those new employees, these are critical values we can't teach in a

FACILITATOR'S GUIDE: Do What's Right: Duty, Integrity & Respect

summer, but we hope you'll exhibit in the coming months. If you're a supervisor or returning employee, we expect you to stress and instill these qualities in your employees. It's important to remember, the fire community relies on a strong sense of camaraderie and friendship and maintaining that relationship is what this training represents.

For those of you that have been in fire for a number of years the qualities of duty, respect, courage and integrity are even more critical. What you do, say and how you act as leaders is crucial in the success of our workplace. You are the mentors and role models that make this organization successful. For today's supervisors, fighting fire has become the easier part of our job; it's the other 80% of our responsibilities that determine if we are truly an effective leader.

Before we look at the first scenario, remember these events do happen. Keep an open mind and realize the material you are about to see has been brought to us by managers and employees suggesting that the issues are a concern and do happen. You will see interviews from field personnel and you will get a chance to see their perspectives on what's important in the workplace environment.

Over the last several years our work place has become increasingly diverse and yet the numbers of cases we see are in decline. That says a great deal for the job you've been doing. Keep up the good work and we hope you enjoy this training.

Watch this first scenario and keep in mind two questions; first, what behaviors do you observe that support a respectful, cohesive work environment and then secondly, what behaviors might get in the way?

STOP THE TAPE
WHEN
INSTRUCTED

(You will see a
"STOP TAPE"
direction as a part
of the video.)

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Scenario One

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

SAY

Turn to page 4 in your guide. You may want to take notes as we fill in the table. As you watched that scenario what behaviors support and what behaviors detract from a respectful and cohesive work environment?

Supporting Behaviors

Responses may include:

- *The employee wanting the detail is able to share an issue with another employee and is receptive to advice.*
- *The employee giving advice is able to provide some council to the employee who wanted the detail.*
- *The options presented were reasonable.*
 - ✓ *Talk to the supervisor*
 - ✓ *Talk to supervisor's supervisor*
 - ✓ *Talk to HR*
 - ✓ *Talk to EEO*
-
-
-
-
-

Detracting Behaviors

Responses may include:

- *The specifics about the detail are only a rumor at this point.*
- *There is an appearance that the supervisor is not making detail selections fairly.*
- *The employee wanting the detail is jumping to conclusions without all the facts.*
-
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-
-
-

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Scenario One

LEAD DISCUSSION

Discussion:

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

ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

Teaching Points:

- *Sharing feelings, ideas, and concerns with other employees is often a good idea.*
- *When you see someone jumping to conclusions it may be helpful to challenge or suggest that he or she look at other possible reasons for an action. Doing this prevents rumors from being started that are not true. Free and open communications are healthy for any organization.*
- *Whenever appropriate, supervisors need to communicate clearly to their employees those decisions that affect employees.*
- *Basing responses on rumors can be destructive to a group's morale and cohesion.*
- *Know what your options are as an employee when something in the workplace does not feel right. Your options are, talk to your supervisor, talk to supervisor's supervisor, talk to HR or talk to EEO. These options were created to help support and maintain a cohesive work environment. (Refer participants to Appendix C and D for specifics on the EEO and Administrative Grievance processes.)*
- *This could be discrimination. Discrimination is against the law and certainly detracts from a cohesive work environment.*

Optional Discussion Items:

- *Have any of you experienced a situation like this?*

When do you think a situation like this might be considered

- *discrimination?*
- *Could this be a safety issue?*
-

Scenario One & Introduction to Scenario Two

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Local Discussion Items:

Note: Here is an opportunity to bring in local perspectives, procedures, policies or issues. Some ideas include:

- *How are details decided locally?*
- *If you are covered under union contract mention that the union has a grievance process*
-
-

SAY

We are going back to the videotape now to hear a few summary comments and watch Scenario Two.

START THE
VIDEOTAPE

STOP THE
VIDEOTAPE WHEN
INSTRUCTED

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Scenario Two

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

SAY

Turn to page 5 in your guide. You may want to take notes. How do you feel about how Carlos handles Mike's comments?

Responses may include:

- *Carlos did the right thing. He could have let it go and caused problems later.*
- *Carlos didn't overreact.*
- *Carlos handled the problem at the lowest possible level.*
- *He handled the problem and refocused back on the work at hand.*
-
-

LEAD
DISCUSSION.

Discussion:

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

Teaching Points:

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

- *Treat everyone equally and fairly.*
- *If we have a problem let someone know. Solve the problem at the lowest possible level.*
- *If we see inappropriate behavior we need to speak up.*
- *Avoid discriminatory humor, comments and actions.*
- *Know what discrimination is and avoid it. Discrimination is against the law and certainly detracts from a cohesive work environment.*
- *This may be a hostile work environment.*
-
-

Scenario Two & Introduction to Scenario Three

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Optional Discussion Items:

- *When do you think a situation like this might be considered discrimination?*
- *What is a hostile work environment? Is this one?*

Definition: A hostile work environment is defined one in which the victim perceives the behavior as hostile or abusive. It must be severe or pervasive enough to create an environment that a reasonable person would find hostile or abusive.

- *Could this be a safety issue?*
-
-

Local Discussion Items:

Note: Here is an opportunity to bring in local perspectives, procedures, policies or issues.

-
-
-

SAY

We are going back to the videotape now to hear a few summary comments and watch Scenario Three.

START THE
VIDEOTAPE

STOP THE
VIDEOTAPE WHEN
INSTRUCTED

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Scenario Three

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

SAY

Turn to page 6 in your guide. You may want to take notes. What clues did you see that there is room for improvement in the respect the employees in this scenario show one another?

Responses may include:

- *The supervisor, Linda, is impatient and sarcastic with her employee.*
- *The male employee, JT, did not offer much support. In addition, he offered questionable feedback.*
- *The supervisor and JT said what needed to be said.*
- *The supervisor did not offer much opportunity for Susan, the employee learning to sharpen the saw, to respond.*
- *Susan may have a tendency to whine.*
-
-

LEAD
DISCUSSION.

Discussion:

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

Teaching Points:

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

- *Treat everyone with patience and respect.*
- *Make sure that people are trained right the first time. Make sure that you each get the training that you need.*
- *Take the time to listen and understand what the situation or problem may be.*
- *The supervisor sets the tone for the workplace. If she responds to her employees with respect, chances are JT may have done the same.*
- *Praise in public, discipline in private.*

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Scenario Three & Introduction to Scenario Four

When does disrespect cross the line into hazing?

It crosses the line when its purpose is to intentionally create mental or physical discomfort, embarrassment or ridicule. If hazing is occurring based on gender, race, color, national origin, religion, age or disability, it could result in an EEO Complaint of Discrimination.

Optional Discussion Items:

- *What is JT's role in this scenario?*
- *Could this be a safety issue?*
-
-

Local Discussion Items:

Note: Here is an opportunity to bring in local perspectives, procedures, policies or issues.

-
-

SAY

We are going back to the videotape now to hear a few summary comments and watch Scenario Four.

START THE
VIDEOTAPE

Scenario Four is presented on videotape.

STOP THE
VIDEOTAPE WHEN
INSTRUCTED

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Scenario Four

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

SAY

Turn to page 7 in your guide. You may want to take notes. If you were the crew boss how would you handle the situation?

Responses may include:

- *Apologize to the family for the inappropriate behaviors.*
- *Call the crew aside and review your expectations of their behavior.*
- *Remind this crew that they are always in the public eye.*
- *Speak to the crew about their sloppy dress.*
-
-

LEAD
DISCUSSION.

Discussion:

What if this behavior happened out of the public eye?

Teaching Points:

- *We are always potentially in the public eye.*
- *Horseplay can be dangerous.*
- *Many members of the public look up to us.*
- *Inappropriate behavior in public invariably gets back to your supervisor.*
- *We want and need the support of the community for the firefighting mission.*
- *The lasting effect of negative perceptions is hard to overcome.*

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

What does it mean to be in the public eye?

Teaching Points:

- *No matter how much you think you are alone there is always some member of the public including homeowners, the media and agency officials who might see you and misinterpret your actions*

Scenario Four & Introduction to Scenario Five

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Optional Discussion Items:

- *Could this be a safety issue?*
-
-

Local Discussion Items:

Note: Here is an opportunity to bring in local perspectives, procedures, policies or issues.

- *Do you have a local policy dealing with dress code while in travel status?*
-
-

SAY

We are going back to the videotape now to hear a few summary comments and watch Scenario Five.

START THE
VIDEOTAPE
STOP THE
VIDEOTAPE WHEN
INSTRUCTED

Scenario Five presented on tape.

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Scenario Five

An off-duty employee is called back to work.

SAY Turn to page 8 in your guide. You may want to take notes. What do you think?

Allow participants to share their reactions to this scenario.

LEAD DISCUSSION.

Discussion:

What are the responsibilities of each person in situations like this?

Teaching Points:

ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

- *Employees have a responsibility to inform their duty officer that they have had some drinks before they report to work?*
- *The duty officer should not have let the employee drive.*
- *Be aware that the legal drinking age is 21.*
- *Refer to local policies on alcohol use when called back to work.*
- *When it comes to alcohol use everyone needs to use their best judgment and err on the side of caution.*
- *Employees must be able to perform their jobs at a satisfactory level and be fit for duty.*
-
-

SAY

We are going back to the videotape now to hear a few summary comments and watch Scenario Six

START THE VIDEOTAPE

Scenario Six presented on tape.

STOP THE VIDEOTAPE WHEN INSTRUCTED

Scenario Six

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

SAY

Turn to page 9 in your guide. You may want to take notes. What is right about what you see here?

Responses may include:

- *Carlos confronts JT about his disrespectful and inappropriate behavior.*
- *Carlos stresses the effect these rumors may have on the crew and Jess.*
- *Carlos is very clear about what he will do if the rumors don't stop.*
- *Carlos stepped up to be a leader.*
-
-

LEAD
DISCUSSION.

Discussion:

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

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

Teaching Points:

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.

Optional Discussion Items:

- *Could this be a safety issue?*
- *Supervision and dating of subordinates. What are the pitfalls?*
-
-

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SAY

We are going back to the videotape now to hear a few summary comments on this module.

START THE
VIDEOTAPE

Concluding remarks by narrator

STOP THE
VIDEOTAPE WHEN
INSTRUCTED

MAKE SURE EVERYONE SIGNED THE ROSTER.
THANK THE CLASS FOR THEIR PARTICIPATION.
OFFER ANY SUMMARY REMARKS.

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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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

FACILITATOR'S GUIDE: Do What's Right: Duty, Integrity & Respect

APPENDIX B – Key Contacts

Human Resources and EEO Managers:

Alaska State Office:

Jack Busteed, 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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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.

Who Uses Mediation?

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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.

Investigation of Complaints

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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 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.

Appendix F

Do What's Right: Duty, Integrity & Respect Course Roster

The people listed below attended this course and completed the course exercises.

Page ____ of ____

	NAME (PLEASE PRINT)	SIGNATURE	JOB TITLE	AGENCY/OFFICE	SUPERVISOR
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Facilitated by: _____

Date: _____

Phone Number: _____

Location: _____

NATIONAL TRAINING CENTER

**BUREAU OF LAND MANAGEMENT
OFFICE OF FIRE AND AVIATION**

FACILITATOR'S GUIDE: Do What's Right: Duty, Integrity & Respect

Note: Please Fax this completed form to Debie Chivers at 208-387-5452 and retain a copy with each employee's training record.