

## **Facilitator Guide**

Prepared by:

Bureau of Land Management

National Training Center – Phoenix, Arizona

Office of Fire and Aviation – Boise, Idaho

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## 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 the blank roster (included in Appendix G of this Guide)

## 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 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 member

Sexual Harassment

## 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 four 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 few minutes to look at the guide and read pages 2 and 3. They are absolutely essential to what you are going to learn today. (Give students a few minutes to read the material on pages 2 & 3.) Any questions? (State goals and objectives. Discuss rights, responsibilities, and consequences for employees.)

Notice the theme of this course – leadership and professionalism that are embodied by duty, integrity and respect. We didn't pull these words out of the air.

START THE VIDEOTAPE.

STOP THE TAPE WHEN INSTRUCTED

**Note:** The text of the seasonal-orientation remarks given by the FMO are included in Appendix F.

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

## Scenario One

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

SAY

Turn to page 4 in your guide. You may want to take notes.

**Note:** This video follows a crew from the beginning of the season to the end. Before each scenario, a short clip of an everyday occurrence will play. This can be discussed during the scenario debriefs along with local policies or practices on the topics.

#### LEAD DISCUSSION

#### Discussion:

Is there anything that Mark, the FMO, said that we want to discuss?

Is there anything that the FMO said that sounds inconsistent with what you've heard in the past?

Is there anything that the FMO didn't say that you believe needs to be said?

How important is it for any supervisor to lay out expectations at the start of the season?

**Question 1.** What is the public perception of a good fire season compared to how fire fighters perceive one?

ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

- The public can take comments the wrong way— "great" fire season means something different to different people.
- You need to be respectful to the public-not judgmental.
- In this case, the ranchers' livelihoods are at stake—be sensitive to the situation.
- You must keep in mind why we're there—to protect the pubic lands.

**Question 2.** What should be the expectation of the public?

- We put in an honest day's work for an honest day's pay.
- That we will always work on a positive relationship with the public—when the fires end, our relationship with them doesn't end.
- We'll consider the issues from their perspective.

ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

## Scenario One & Introduction to Scenario Two

## **Optional Discussion Items:**

• Appropriate work dress including the dress code for physical training.

#### **Local Discussion Items:**

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

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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

## Scenario Two

## Week 6: Outside the ready room.

#### SAY

Turn to page 5 in your guide. You may want to take notes.

The tendency will be for the conversation to move toward what is appropriate and what is not, getting deep into the weeds on this. Focus instead on behaviors that affect crew cohesion because that is a measure everyone can relate to.

If management or a supervisor becomes aware that comments are offensive they must take prompt corrective remedial action reasonably calculated to stop the harassing behavior and prevent other employees from engaging in similar behavior.

#### LEAD DISCUSSION.

#### Discussion:

**Question 1.** How do you know when behaviors become inappropriate and begin to compromise crew cohesion?

# ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

- Even just one person who feels offended or hurt affects group cohesion. To restore group cohesion someone's behavior needs to be reconsidered or changed. It needs to be dealt with.
- Everyone's tolerance to joking is different. Resolve inappropriate behavior early and at the lowest level.
- We all have an obligation and responsibility to say something, if we see inappropriate behavior.
- If your comments are potentially destructive, don't say them.
- Behaviors are inappropriate as soon as they have the potential of adversely affecting crew cohesion.

## ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

**Question 2.** What does being professional mean?

- Fostering a positive work environment.
- Representing yourself in a manner that can't be questioned.
- Having the courage to be a leader and address issues.

**Note:** if it is appropriate create a definition of professionalism for your group. Then Turn to page 6, which has definitions of professionalism from fellow firefighters.

## Scenario Two & Introduction to Scenario Three

Question 3. What about Kayla's advice that Justin should say something?

- Speak to the offender.
- Go to the crew boss or supervisor.
- Go to HR or EEO.

ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

## **Optional Discussion Items:**

Question: Did Jen display leadership in this instance?

• Jen shows leadership by letting folks know their behavior is inappropriate.

## **Local Discussion Items:**

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

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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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Do What's Right: Leadership and Professionalism

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 burt on the next call.

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## Scenario Three

## Week 8: Last night of crew assignment off district.

SAY

Turn to page 7 in your guide. You may want to take notes.

LEAD DISCUSSION.

#### Discussion:

**Question 1.** Do you think these employees are fit for duty?

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

- If anyone brought alcohol for someone under 21, there's a legal issue also.
- Employees must be able to perform their duties at a satisfactory level.
- Reporting to work while under the influence of alcohol or drugs can result in a written reprimand or removal from your job.
- Firefighting is an inherently dangerous job where each firefighter depends on the other. Reporting to work unfit is a huge safety issue.

**Question 2.** If you were the supervisor what points would you bring out when you met with the crew?

- impact on the unit's professional reputation
- safety and fitness for duty
- public perception
- destruction of property and breaking the law
- off-duty misconduct unbecoming a federal employee can result in disciplinary action.

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

- One bad incident can affect the reputation of an entire state.
- Nobody talks about the crews that didn't get in trouble. "Hey, did you hear about that crew that went to \_\_\_\_\_ and did a great job?"
- Must always act in a way that will strengthen public confidence in your role as a public servant and an employee of the Federal Government.
- Treat other's property with respect.

ENSURE THESE
POINTS ARE MADE
DURING THE
DISCUSSION

POINTS ARE MADE DURING THE DISCUSSION

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## Scenario Three & Introduction to Scenario Four

## **Optional Discussion Items:**

• Discuss local policy for behavior on details, alcohol use while on detail.

#### **Local Discussion Items:**

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

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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

## Week 10: Kayla meets with her bosses.

#### SAY

Turn to page 8 in your guide. You may want to take notes.

## LEAD DISCUSSION.

#### Discussion:

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

 All parties could have seen this behavior earlier and done something about it.

# ENSURE THESE POINTS ARE MADE DURING THE DISCUSSION

- Talk to Matt and/or Kayla
- Advise Matt and/or Kayla
- Talk to Glenn
- Don't appear to condone any inappropriate behaviors.
- Model the leadership values of duty, integrity and respect.
- This situation could affect crew cohesion and safety.
- If there is a problem, let someone know. Resolve the problem as early as possible and at the lowest level.
- A leader or supervisor must set the tone for behaviors. "That which you know; you condone."

**Question 2.** Is there anything Kayla could have done differently?

## ENSURE THIS POINT IS MADE DURING THE DISCUSSION

 Let someone know early when you see or experience inappropriate behavior.

## Scenario Four & Summary

## **Optional Discussion Items:**

**Question:** What should be the FMO's next step?

- FMO consults with EEO.
- ENSURE THESE
  POINTS ARE MADE
  DURING THE
  DISCUSSION

 All supervisors should cultivate a good relationship with HR, ER, and EEO professionals. If there are specific processes in your state for handling these issues, please share. When a situation like this arises, call a professional you feel can help and provide the advice you need.

#### **Local Discussion Items:**

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

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SAY

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

START THE VIDEOTAPE

STOP THE VIDEOTAPE WHEN INSTRUCTED

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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.

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## Appendix F – FMO Seasonal Orientation Remarks

Welcome to another fire season. I'm the Fire Management Officer for the District. I'm going to get right to the point. Some of you are new employees, and I welcome you. You now work for a program where your actions, both on and off the fireline, will determine the success of this organization. This means that each and every one of you will be expected to show a high level of professionalism throughout the coming months. Let's make sure we uphold the reputation we have. The reputation that we do things right—the professionalism that we're noted for.

For some of you, the season may be only ten to twelve weeks. For others, you might be here longer. That's a long time for you to be working together, working hard, dealing with stress and long hours. I know there will be disagreements. I guarantee you'll take offense to something someone says, or does. Someone else will get upset with you. That's to be expected once in a while. What I want you to hear from me is that, when you're on the job, I expect you to treat each other with respect. I want you to behave professionally. If you're not talking to someone on this crew, it becomes a safety issue. When we're at work, we're all about watching each other's back—helping to get the job done and done safely. If there are problems between you and someone else, let's get it worked out right away. Get it resolved so we can move on. You supervisors, I expect you to take the lead on this. Don't let things drag out.

I want an atmosphere where we can all come to work each day knowing what to expect. You can expect to be held to a high standard in all of your duties. I expect professional behavior and professional appearance. I'll hold you to that. You can expect to be treated with respect, and if you're not, I want it dealt with. If your supervisor doesn't deal with it, go up the chain of command. You can expect that if something isn't working, we'll get together and try to fix it. I expect that, if you see something that isn't quite right, you'll let someone know. I want people working here who want to make this a better place to work. I'll give you the responsibility to get your jobs done; but, in return, I want you to take the responsibility to make sure it's done right—safety and professionally. I don't want to hear from you on your way out of here in August saying that this and that was wrong about this place.

When you come to work each day, or wake up on a fire, remember—you can choose your attitude. You can choose to have a good day. I'm asking you to make the right choice. This job is hard enough without having someone's bad attitude bringing everyone else down. And each of us can take some responsibility in this and let's respect the person who isn't feeling too well—give them some spaces. Chances are they'll get over it in a few hours if we do.

Some of you are new to this town, so you need to know we've got a lot of people watching us, no matter what we're doing. When you go to the gas station, people see you and know who you are. When you're driving through town, people see you. If you go out at night, even if you're new in town, it take long before most folks will know you're working here, and how you act will reflect on all of us. At work, I expect shirts tucked in and hats on straight. When you drive into the yard, do it slowly. Pulling

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out at night—easy does it. These are our neighbors. We respect them, and in return they keep an eye on the place for us. Treat the folks in town with respect and courtesy. While on the job, I want all of you to remember who is paying the bill; it's the taxpayer. The public deserves an honest day's work for an honest day's pay. If folks see us goofing off or rough housing while on duty, we're sending the wrong message. And just so you know, if you are out on the town at night, chances are I'll hear about it.

This brings up another point I want to make. We have zero tolerance for alcohol on the job. This means, if you are off duty and have been drinking and you get a fire call, you are not available. I expect you to be honest with your supervisor and inform them that you are not fit for duty. I'll repeat this; I do not want you on the fireline, if you are impaired in any way. If you get the call, just say you're not available. And I expect all of you to slow up to work each day, ready to work. That means fit for duty. We have no place for hangovers. Your life and the lives of everyone you're working with can be jeopardized, if you aren't fully ready and able to do your job. Is that part clear?

## Appendix G

## **Do What's Right: Leadership and Professionalism Course Roster**

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