



OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

Endeavor

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NASA News

NASA's Conflict Management Program: Building a Culture of Collaboration

By Fred Dalton, EEO Manager

The Office of Diversity and Equal Opportunity (ODEO) is excited to share the launch of its groundbreaking Agency-wide Conflict Management Program (CMP), designed to help NASA managers and employees reduce, and even prevent, workplace conflict.

CMP is grounded in the notion that formal conflict resolution processes, like the Alternative Dispute Resolution (ADR) process, are necessary and important, but they shouldn't be the only mechanisms for addressing workplace conflict. As previously reported by *Endeavor* in February 2007, the Merit Systems Protection Board (MSPB) published the results of a survey

approach to resolving conflict. Although NASA ranked highest of all the agencies on job satisfaction, only 48 percent of the NASA respondents agreed that the Agency constructively addressed workplace conflict. The CMP will help the NASA workforce change this perception.



As part of the CMP, the Agency and Center Equal Opportunity Alternative Dispute Resolution (EEO ADR) programs are being reviewed to establish a consistent EEO ADR policy and procedural framework, and Center Equal Employment Opportunity (EEO) staff and ADR Teams are being provided ADR training in an effort to increase the utilization of Center ADR programs.

In FY 2007, the CMP was successfully piloted at three NASA Centers (Glenn Research Center, Johnson Space Center, and Marshall Space Flight Center). By the end of the fiscal year, ODEO plans to bring the program to a Center near you. So, be on the lookout for the CMP, as we build a culture of collaboration, one block at a time!

Points Of Interest

Building a Culture of Collaboration	1
Did you Know . . . ?	2
Ruling on Discrimination Case	2
Center Spotlight	3
Interview with Astronaut Leland Melvin	4

Inside Endeavor

- NASA News
- EEO Matters
- Case Law Update
- Center Spotlight
- Diversity Forum

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of 24 Federal agencies, including NASA, which showed that there was no agency where over 50 percent of the employees indicated satisfaction with the agency's

The program involves a two-pronged approach. First, a needs assessment is conducted at each Center to gather information and develop insight into each Center's workplace issues. The results of the assessment are then incorporated into a training curriculum that is designed to equip managers and employees with key skills and strategies to constructively address workplace conflict and strengthen trust. Such skills include effective communication, collaborative problem solving and trust-building.

Did you know . . . ?

NASA's Functional Review Program Is Moving Forward . . .

ODEO has developed the Functional Review Program (FRP) to assess NASA's internal and external EEO programs and activities to ensure effective and efficient management of program requirements and resources, as well as to ensure that the programs are meeting customer needs. The pilot of this program was recently rolled out at Glenn Research Center. Look for more about this program in upcoming issues of *Endeavor*.

Record high Levels of age and Retaliation Complaints . . .

Equal Employment Opportunity Commission (EEOC) reports that the number of employment discrimination charges filed with the EEOC increased nine percent in the last year, with the greatest increases in age discrimination complaints (up 15 percent since FY 2002) and retaliation (up 18 percent, a record high level, since FY 1992), according to EEOC's latest statistics. The NASA FY 2007 No FEAR Act statistics for employment discrimination complaints (accessible at <http://www.hq.nasa.gov/>

[office/codee/nofear.html](http://www.eeoc.gov/office/codee/nofear.html)) indicate that the leading bases were race, sex, and age; while the leading issue was promotion nonselection.

EEOC Guidance on Veterans and Employees with Disabilities, Caregiver Responsibilities . . .

EEOC recently issued question and answer (Q&A) guides providing technical assistance for managers, employees, and veterans on workplace issues including:

- veterans with service-connected disabilities:
<http://www.eeoc.gov/press/2-29-08.html>
- employees with caregiver responsibilities, including childcare and parent care:
<http://www.eeoc.gov/policy/docs/caregiving.html#caregive>
- EEOC's retiree health rule:
http://www.eeoc.gov/policy/docs/qanda_retireehealthrule.html
- employees with deafness and hearing impairments in the workplace:
<http://www.eeoc.gov/facts/deafness.html>
- employees with blindness and visual impairments:
<http://www.eeoc.gov/facts/blindness.html>

- employees with cancer:
<http://www.eeoc.gov/facts/cancer.html>

Push for more Women and Minorities in SES Ranks . . .

Congress is considering two bills to increase the number of women and minorities in the Senior Executive Service (SES), both of which have strong backing from members and diversity organizations, and may pass Congress in 2008. Sen. Daniel Akaka, D-Hawaii, and Rep.

“Congress is considering two bills to increase the number of women and minorities in the Senior Executive Service”

Danny Davis, D-Ill., introduced bills in October that would create a resource center for oversight of SES diversity efforts, promote mentoring programs and collect and publish statistics in the Federal Register.

Case Law Update

EEOC Rules on Pregnancy Discrimination case

By Aisha Moore, EEO Specialist, ODEO Complaints Management Division

Based on the facts of this particular case, the EEOC determined that it was reasonable for the complainant to be unaware that Title VII provides protection against pregnancy discrimination because the agency failed to identify pregnancy as a protected basis on EEO posters and orientation materials.

What Happened?

In *Bynog v. U.S. Postal Service*, EEOC Appeal No. 0120080283 (January 22,

2008), the complainant claimed that from July 24, 2006 to March 30, 2007, she was discriminated against when she was not accommodated for her medical condition and not allowed to work due to her pregnancy. The complainant initiated EEO counselor contact on June 26,

“an aggrieved person must initiate contact with a counselor within 45 days of the date of the matter alleged to be discriminatory”

2007, well past the 45-day time limit specified by EEOC regulation.

Relevant Regulations?

According to EEOC regulations governing the discrimination complaints process, an aggrieved person must initiate contact with a counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action.

Additionally, EEOC regulations say that an “agency or the commission may extend the time limits when an individual

shows . . . that she did not know and reasonably should not have known that the discriminatory matter or personnel action occurred . . .”

What did the EEOC’s Office of Federal Operations say?

Based on the facts of this case, the EEOC determined that although the agency’s EEO posters and orientation materials advised employees to contact the EEO office within 45 days of the al-

leged discriminatory incident, they did not indicate that pregnancy was a protected basis under Title VII. Therefore, the complainant did not reasonably suspect discrimination until June 25, 2007, when a friend informed her that it was illegal to discriminate against pregnant women. The complainant subsequently initiated contact on June 26, 2007.

How does this Affect you?

If you believe you were discriminated

against based on your pregnancy, you must contact an EEO counselor within 45 days of the alleged discriminatory incident. Pregnancy discrimination is prohibited by the Pregnancy Discrimination Act, an amendment to Title VII of the Civil Rights of 1964 Act and is a form of sex discrimination.

For more information, you may contact the EEOC at <http://www.eeoc.gov/facts/fs-preg.html>.

Center Spotlight

HEADQUARTERS EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT DIVISION

By Ralph A. Suris, Director, HQ EODM and Judy Phillips, HQ EODM Compliance Manager

The Headquarters Equal Opportunity and Diversity Management (HQ EODM) division supports the NASA mission by striving to ensure equitable treatment for all HQ employees, and by helping to cultivate an environment that recognizes the value of diversity.



NASA Headquarters Building

A Proactive Approach

Over the past two years EODM has transformed itself from a reactive office responding to complaints to a proactive partner with employees and other HQ offices. This transformation required a two-pronged approach: 1) improving the informal complaint process and 2) providing awareness and education of EEO and diversity at HQ.

EODM’s efforts to improve the informal complaints and ADR programs have emphasized resolving workplace disputes quickly, and at the lowest level possible. To this end, EODM transferred counseling and mediation functions in-house, allowing EODM to realize drastic reductions in case processing times, reduce operating costs, and most importantly, help employees and management navigate the EEO complaint system more efficiently and effectively.

Each year the staff selects two topics for its Self-Assessment Program from areas that are on the rise for complaints within either the Agency or the Federal sector. Harassment, retaliation, reasonable accommodations, and hiring/managing individuals with disabilities have been explored so far. During the confidential meetings that are the heart of the program, the questions and the responses provide for interactive discussion and immediate feedback. Overall, this program provides an excellent opportunity for EODM staff to interact with its customers, and share practical information in various areas such as Schedule A hiring, Veterans Programs, and the complaint process.

Innovative Partnerships

Within HQ, EODM partners with other offices, such as the Office of the General Counsel, to present training internally

that is tailored specifically to the requesting office’s needs. Outside the Agency, EODM has participated with EEOC in teaching their 32-hour New EEO Counselor Course. In return, the EEOC provides the Agency with two free training slots in any course they offer for each 32-hour course EODM participates in.



Members of the HQ EODM staff, and partner staff, left to right: Martin Levy, Dorothy Egbert (Human Resources), Ralph Suris, Inez Hunter (Human Resources), Shelby Aultman (no longer with the Agency), LaShawn McDuffie, and Claudia Silver

EODM provides mediators to other Federal agencies in the Washington DC area through the U.S. Department of Health and Human Services (HHS) Shared Neutrals Program. Similarly, EODM entered into a Memorandum of Understanding with the NRC to provide for conflict EEO counseling should a conflict arise in either EEO office.

For the immediate future, EODM will continue to expand their partnerships. The new Executive Director for Headquarters Operations, Christopher T. Jedrey, is working closely with the EODM and Human Resources

divisions to organize an executive-level diversity group, to address barriers to diversity at Headquarters,

and recommend practices and policies to create an environment of acceptance, inclusion, and cooperation. All these

activities are part of EODM's goal of creating a Model EEO program at NASA Headquarters.

Diversity Forum

The First NFL Player in Space: An Interview with Astronaut Leland Melvin

By Aisha Moore, EEO Specialist, ODEO
Complaints Management Division

Diversity is about much more than our cultural backgrounds and racial and ethnic heritages. It is about our differences in perspectives, ideas, life experiences, and professional backgrounds. It is about how these differences enrich our workplace and help us to achieve mission success. As Administrator Griffin stated in his Diversity Policy Statement in 2006, “[t]o design the most effective systems, NASA must have a diversity of views, ideas and perspectives. This requires taking into account all the pos-



NASA Astronaut Leland Melvin

sible sets of training and experience that come from people of different backgrounds and life experiences. It is the widest diversity of viewpoints and considerations that go into making good technical solutions for NASA.”

One NASA team member who embodies the benefits we derive from diversity of life experiences is African American astronaut Leland Melvin. In addition to orbiting Earth 203 times as a mission specialist on STS-122, he starred as a wide receiver at the

University of Richmond and was drafted by the Detroit Lions of the National Football League (NFL). *Endeavor* recently spoke with astronaut Melvin about his thoughts on the diversity of his background and how it has helped to shape his many contributions to NASA.

Endeavor: How did your NFL experience help to prepare you for the Astronaut Corps?

LM: Participating in not only football, but a number of team sports has enriched my sense of camaraderie and teamwork. In football we routinely exercise nonverbal cues that allow for the receiver and quarterback to communicate when the noise level gets loud in the stands. On the flight deck of the shuttle while flying to orbit we use similar nonverbal cues to communicate during the busy communication moments with the ground or the noise from the vehicle shaking when the engines come alive.

The Astronaut Corps takes diversity to another level with the international nature of the team. After recently docking to the International Space Station, I floated by Commander Peggy Whitson, a female astronaut, flight engineer Daniel Tani, who is Asian American and flight engineer Yuri Malenchenko, who is Russian and a Colonel in the Russian Air Force. Also part of our shuttle team were European Space Agency Astronauts who are of German and French nationality and added even more diversity to our space team.

Endeavor: Visiting Atlantis had to be a remarkable experience. Did you ever think that you would one day be a member of the Astronaut Corps?

LM: As a child I thought of every type of career, but never focused on one thing. I loved math, science, and sports and always believed I would pursue a career in a technical field. My mother gave me a chemistry set in the 4th grade and I enjoyed experimenting with the different chemicals and mixtures. My schools were also very supportive when I was young and I had great teachers who believed in me. Both of my parents were educators, and my father was my little league football coach. My parents maintained a good balance between academics and athletics that helped lay the groundwork for what was required to be part of the Astronaut Corps.

Endeavor: What “nugget of knowledge” or “lesson learned” from your various experiences would you share with NASA employees, in light of your views on diversity?

LM: I have been at NASA for almost 20 years and have worked with many diverse people across the Agency and within other organizations. People working in highly functioning groups must learn to listen to each other and not only be good leaders but good followers. We usually listen to one another when it comes to the technical aspects of our jobs but we should also listen to what goes on in each other's lives that might affect the technical indirectly. Failure to communicate effectively could mean loss of hardware or even a life. The more comfortable a person feels with their coworker the better the communication. That's where eating a meal together or talking about life outside of work really pays off.

Special Thanks to the Endeavor Team:
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