
Do What's Right

Welcome

This program is directed to everyone in the fire community, regardless of your position or location. Everyone needs to understand their rights and responsibilities and the consequences of their actions. We deserve a workplace that we look forward to coming to each day. We have the right and should feel proud of the work we do. Taking pride in the duties we perform and acting with integrity and respect is what today's program is all about.

We will refer throughout this session to Leadership and Professionalism. True leaders and professionals embody the personal values of duty, integrity, and respect.

Goals and Objectives

As employees representing the government you will be ready to Do What's Right by:

- Acting consistently with your responsibilities,
- Exercising your rights; and

Recognizing the consequences of inappropriate behavior to:

- You
- Safety and Health
- Others
- The Reputation of Your Organization

Rights, Responsibilities and Consequences

All employees have a **right** to:

- A safe and healthy environment
- Freedom from discrimination and harassment
- Be treated with dignity and respect

All employees have the **responsibility** to:

- Perform all jobs in a safe manner
- Behave appropriately
- Treat others with dignity and respect
- Immediately report inappropriate behavior
- Correct inappropriate behavior
- Obey the law

Serious **consequences** can result for not doing what's right including:

- Compromising the safety of yourself and others
- Disciplinary action up to and including firing
- Embarrassment to the agency
- Personal liability
- Legal action
- Criminal charges

Section B – Inclusion and Respect

Thrive on the challenge of doing a job well.

Discussion Notes

Section C – Discrimination and Harassment

You are accountable for your actions on the line just as you are in the office.

Discussion Notes

Section D – Public Perception

The public's perception of a good fire season is different than ours.

Discussion Notes

Section E – Alcohol and Fitness for Duty

Reputation takes time to earn and no time to lose.

Discussion Notes

Section F – Social Media

Assume the public is always watching.

Discussion Notes

Section G – Ethical Behavior, Integrity and Policies

There are consequences for misconduct, even off duty.

Discussion Notes

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The EEO Process**EEO Counseling**

As an employee or job applicant, you are protected from discrimination based on the following categories

Race; Color; Religion; Sex (including gender, gender identity, sexual orientation, and pregnancy); National Origin; Disability; Age (40 or older); Genetic Information; Reprisal for Protected EEO Activity

Federal statutes and regulations—Title VII of the Civil Rights Act of 1964, Pregnancy Discrimination Act, Age Discrimination in Employment Act, Rehabilitation Act, Equal Pay Act, Genetic Information and Nondiscrimination Act and Title 29 CFR. Part 1614 – are in place to offer relief to victims of discrimination.

An allegation of discrimination may result from any employment issue or action such as 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 have **45 calendar days** to contact an EEO Counselor to try to resolve the matter. EEO Counseling provides an opportunity to raise questions, discuss allegations, get timely information, and seek solutions.

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, disability or reprisal) of the matter.
- Conduct an inquiry in the **30** calendar days following the initial interview. Counseling can be extended an additional 60 days if you have agreed in writing to participate in an alternative dispute resolution (ADR) procedure.
- Seek resolution acceptable to both you and management.
- Document the resolution or advise you of your right to file a formal discrimination complaint.
- Counselors never act as advocates either for you or management.
- Counselors never determine if discrimination has occurred.

When Counseling Doesn't Resolve the Matter

If the problem has not been resolved by the end of the counseling period, the Counselor holds a final interview and issues a Notice of Final Interview. This provides information on how to file a formal complaint along with the names and addresses of persons authorized to receive complaints. You have **15** days to file a written formal complaint.

Alternative Dispute Resolution – Mediation

ADR is an umbrella term for any one of several approaches to settling disputes and is a strategy for producing winners on both sides of a conflict.

ADR can be used to resolve both informal and formal EEO matters. If 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 in the workplace.
- It promotes lasting solutions and may reduce the potential for future conflict.
- It fosters an environment of teamwork and cooperation.

Mediation

Mediation, a type of ADR, is a confidential problem-solving process conducted in a neutral environment. It can be a timely, cost-effective and less stressful alternative to other processes. Mediators are trained to facilitate communication about 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?

Mediation can be appropriate when disputing parties want to resolve conflict and take responsibility for implementing agreed-upon solutions, especially when the primary relationship between the disputants extends beyond the conflict at hand. Mediation can help you to attain a better understanding of the issues.

Who Are the Mediators?

Mediators may employees of BLM or another agency employees, private-sector practitioners, or qualified persons from other sources. Mediators are neutral and do not render judgments or decisions.

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Formal Complaints

If the informal EEO counseling process is completed without a resolution, you can choose to file a formal complaint of discrimination.

The complaint of discrimination must:

- be submitted in writing;
- be filed within 15 calendar 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 you, the complainant, or your attorney.

The complaint can be mailed or emailed to the offices indicated on the Notice of Final Interview.

Investigation of Complaints

If your complaint is accepted it must be processed within 180 calendar days. An investigator is assigned who compiles a case file that includes witness statements and relevant documents. You will then be provided with a copy of the Report of Investigation. Settlement attempts will continue.

After receiving the Report of Investigation, you have 30 calendar days to request either an immediate decision by the Department of Interior 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 calendar days and provide the Department with a recommended decision. The Department has 60 calendar days to reject or modify or use the recommended decision.

Age Discrimination Complaints

For complaints based on age, you may choose to forego the complaint process and go directly to court. You must advise the EEOC 30 calendar days before such filing in District Court.

Equal Pay/Compensation Discrimination

An individual alleging a violation of the Equal Pay Act (EPA) may go directly to court and is not required to file with the EEOC beforehand. The time limit for filing an EPA charge with the EEOC and the time limit for going to court are the same: within two years of the alleged unlawful compensation practice or, in the case of a willful violation, within three years. Filing with the EEOC under the EPA does not extend the timeframe for going to court.

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.

Prevention and Elimination of Harassing Conduct**Personnel Bulletin No. 18-01**

Employees who are subject to harassing conduct *are encouraged to report* the matter to:

1. The Supervisor of the employee engaging in the misconduct
 2. Another supervisor or other management official;
 3. The servicing Human Resources office; or
 4. The Office of the Inspector General (OIG)
- Employees who witness possible harassing conduct directed at others *are expected to report the matter*.
 - Management officials who observe or are informed of harassing conduct have *a duty to act*, which can include:
 1. Report the conduct/allegations to the appropriate officials.
 2. Ensure a prompt investigation is conducted.
 3. Take steps to ensure the harassment is appropriately addressed.

Is it or isn't it sexual harassment?

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.

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.

Policy – DOI encourages prompt, informal resolution of any dissatisfaction or disagreement amongst employees at the earliest opportunity and the lowest level possible. The DOI administrative grievance policy is a collaborative process, which promotes the use of ADR and attempts to avoid a “win-lose” outcome. Employees are free to use the grievance process without restraint, interference, coercion, discrimination, or reprisal.

Alternative Dispute Resolution (ADR) – a process for seeking consensual resolution of the issues and concerns underlying a grievance.

Informal Procedure/ADR – prior to engaging in the formal grievance process, the grievant and the grievance official are strongly encouraged, where appropriate, to engage in ADR in an attempt to resolve the issue. An employees must present a grievance in writing **within 15** days (all references to “days” means calendar days, unless otherwise stated) of the particular action or inaction giving rise to the grievance, or **15** days from the date the employee became aware of the action/inaction.

An informal grievance must be submitted in writing to the grievance official with a copy provided to the Servicing Human Resources Officer (SHRO). The option to pursue ADR, if not already considered and rejected, will be raised by the SHRO for consideration by the grievant. If there is no agreement to enter into the ADR process, the grievance official must provide the grievant a written decision within 10 days. If the relief requested is not granted, the grievant is to be advised of the time limit in which to request further consideration under the formal procedure. (In general, the time frame in which to request formal consideration is within 7 days of receipt of the informal decision or from the end of the ADR process).

Employees are not required to engage in the informal process where their grievance is related to a written reprimand or other disciplinary action that has provided an opportunity to respond and a subsequent decision in the matter. In those cases, employees may proceed directly to the formal grievance procedure

Formal Procedure – If the grievance is not resolved at the informal/ADR level, an employee may file a formal grievance. Formal grievances must be filed in writing, using the AGF (DI 7600) form and must include a copy of the informal decision or ADR termination document, as appropriate. Once accepted, the formal grievance will be assigned to an appropriate deciding

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official as determined by management in consultation with the SHRO. At management's discretion, ADR may again be offered at this point, which, if used, may hold the grievance in abeyance for up to 45 days. An employee is entitled to make an oral presentation on the grievance matter if they have requested to do so when completing the DI 7600 grievance form. The deciding official will provide a written response to the grievant within 20 days from the date the grievance matter was referred to them, or, if requested and made, 20 days from the date of the oral presentation. The decision/response from the deciding official should include a summary of the grievance, the consideration given to it, and the conclusion reached. The decision of the deciding official is final and there are no additional rights of appeal.

More information can always be found on www.nifc.gov.