

Rights, Responsibilities and Consequences

All employees have a **right** to:

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

All employees have the **responsibility** to:

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

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

- Compromising the safety of yourself and others
- Disciplinary action up to and including firing
- Embarrassment to the agency
- Personal liability
- Legal action
- A resulting criminal charge

Appendix 1 – The EEO Process

EEO Counseling

As an employee or job applicant, you are protected from discrimination based on race, color, national origin, sex (including sexual harassment and sexual orientation), religion, age (40 years old or older), disability, 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 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** 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 work place;
- 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 be BLM or other-agency employees, private-sector practitioners, or qualified persons from other sources. Mediators are neutral and do not render judgment or decision.

Formal Complaints

Once the informal EEO counseling process is completed and there has not been 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 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 to the offices indicated on the Notice of Final Interview.

Investigation of Complaints

If your complaint is accepted it must be processed within 180 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 Record of the Investigation. Settlement attempts will continue.

After receiving the Record of Investigation you have 30 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 days and provide the Department with a recommended decision. The Department has 60 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 days before such filing in District Court.

Freedom from Retaliation

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 retaliation, they may file an individual complaint of discrimination.

Appendix 2 – 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.

Appendix 3 – 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 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.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



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March 31, 2016

In Reply Refer To:
1400-713 (FA-120) P

EMS Transmission 04/08/2016
Information Bulletin No. FA IB-2016-008

To: All Fire and Aviation Directorate Employees
From: Assistant Director, Fire and Aviation
Subject: Policy on Equal Employment Opportunity and the Prevention of Harassment

In January 2016, the Bureau of Land Management (BLM) Director communicated the BLM's responsibility to provide a professional work environment free of discrimination and harassment in all activities and operations. I want to express my commitment to these principles.

It is our Fire and Aviation policy that employees are provided equal opportunity in employment. Discrimination based on race, color, national origin, religion, sex, age (over 40), disability, sexual orientation, genetic information, and reprisal is prohibited. Discrimination, in any form, has no place at the BLM National Interagency Fire Center (NIFC) and will not be tolerated. Discrimination includes sexual or non-sexual harassment; any discriminatory act, policy, practice or procedure that denies equal opportunity; or any conduct that demeans the dignity of another person.

Sexual Harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Harassment that is not sexual in nature is a form of discrimination that involves unwelcome verbal or physical conduct based on race, color, national origin, religion, sex, age (over 40), disability, sexual orientation, or genetic information. It is behavior that is hostile and/or intimidating which creates an abusive or offensive work environment.

Reprisal is the wrongful threatening or taking of either unfavorable action or withholding favorable action from another solely in response for their opposing employment discrimination or participating in an EEO activity protected by employment discrimination statutes.

An employee who engages in harassment or discrimination faces consequences ranging from verbal warnings and letters of reprimand, up to termination from employment, depending on the seriousness of the misconduct. Managers and supervisors, who do not take action when they

know or suspect that harassment or discrimination is occurring, also face discipline. Contractor staff may be subject to comparable penalties from their employers. A contractor, who fails to enforce this policy, may have its contract terminated. Visitors who engage in harassment may be removed from any workplace and prevented from returning.

Equal opportunity is a professional conduct issue and it is based on a premise of fair and equal treatment and respect for all persons. It is everyone's responsibility to assist in promoting an environment free of discrimination. Mere compliance with minimum requirements is not enough to fully meet our obligations. I challenge everyone to be a role model of appropriate behavior and to confront any form of discrimination, harassment, or other improper behavior when it is observed or brought to your attention. In addition, you are encouraged to resolve issues at the lowest level possible and to use alternative dispute resolution (ADR), when possible. Contact Debie Chivers, EEO Manager, for more information on ADR.

The discrimination complaint process is posted on official bulletin boards and on the Fire and Aviation EEO web page. All reports of alleged discrimination will be taken seriously, promptly investigated and handled with professionalism, dignity and fairness. If you believe you have been subjected to discrimination, harassment or reprisal, you must contact the EEO Manager or an EEO Counselor within 45 days of the alleged discriminatory matter or, in the case of a personnel action, within 45 days of the effective date of the action.

All questions or concerns regarding this policy should be directed to Debie Chivers, EEO Manager, Fire and Aviation, (208)387-5454.

Signed by:
Howard Hedrick
Deputy Assistant Director, Fire and Aviation

Authenticated by:
Yesenia Ramirez-Gil
Office Automation Clerk

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Debie Chivers (FA-120)

Diversity and Inclusion Message from the Director



When I look around today's Bureau of Land Management (BLM), I am proud of the many successes we have achieved. Much of this success is due to the wide range of experiences and backgrounds our employees, partners, volunteers, and contractors bring to their jobs every day.

We must continue to build on this success. To keep a focus on diversity, the Executive Leadership Team created the BLM Diversity and Inclusion Strategic Plan (2015-2017) that describes our goals for diversity and inclusion, and the strategies we will use to reach these goals. It is critical that we make our organization a more diverse and inclusive workplace. Our commitment to diversity and inclusion requires that we leverage the unique abilities and experiences brought to us by each employee and that we actively seek to incorporate a diversity of perspectives in our decisions.

It is important to understand that diversity and inclusion are essential to mission success, and align with the BLM vision, mission and values. Our management of the nation's public lands is a rewarding job, but balancing the expectations of the public and our stewardship responsibilities means understanding and including diverse points of view. Our workforce must embody a broad diversity of thought and experiences to strengthen our ability to accomplish the BLM mission on behalf of all Americans.

Diversity and inclusion are necessary practices if the BLM is to remain relevant, both to those who protect and preserve our public lands and to those who will use and enjoy our public lands now and in the future. As we travel this journey together, this plan will be our roadmap. I ask you to find your place in the journey—as I will—to get involved, to ask yourself how you can help others to engage in our work, and to live out the BLM's values as we address the organization's diversity and inclusion goals with honesty, integrity, accountability, respect, courage, and a commitment to make a difference.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240-0036
<http://www.blm.gov>

January 19, 2016

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

EMS TRANSMISSION 02/04/2016
Information Bulletin No. 2016-026

To: All Employees
From: Director
Subject: Policy on Equal Employment Opportunity (EEO) and the Prevention of Harassment (sexual and non-sexual)

The Department of the Interior (DOI) has zero tolerance for harassment on the basis of race, color, sex, national origin, religion, age (40 and over), disability, sexual orientation, genetic information, reprisal or any other protected activity. The Bureau of Land Management (BLM) is responsible for providing a professional work environment free of discrimination and harassment in all activities and operations. As the Bureau's Director, I am committed to promoting equality, opportunity, access and inclusivity.

In general, harassment can be sexual or non-sexual in nature and it involves persistent and unwelcome conduct or actions that a reasonable person would consider to be intimidating, hostile, or offensive and which prohibits an employee from performing their assigned duties. As part of the Department's guidance, each employee is required to complete EEO/Diversity training each year. Prevention of Sexual Harassment (POSH) training is mandatory for all BLM personnel and should be included, not as additional training, but as a part of the aforementioned required training. This training is regularly offered by the BLM EEO Office and via DOI Learn.

Harassment and unlawful discrimination will not be tolerated. Employees who encounter or witness behavior that may be considered harassment and/or discriminatory are responsible for reporting such behavior to management or to EEO officials with the BLM's assurance that the law shields them from reprisal/retaliation. If you believe that you have been discriminated against you have 45 calendar days following the alleged discriminatory action, or if the matter concerns a personnel action, from the effective date of the action, to contact the EEO Office. These complaints will be addressed promptly, thoroughly, and impartially. All employees are required to fully cooperate, participate and be responsive to EEO fact-finding inquiries, investigations and hearing processes.

The BLM leadership, including all State Directors, Assistant Directors, Center Directors, managers and supervisors at every level, will be held accountable for ensuring a work environment that is free from harassment. All members of the leadership team are required to conduct a management inquiry immediately upon becoming aware of allegations of sexual harassment, even if the affected person does not desire to have the matter reported.

Our agency embraces a work environment that values diversity and fosters mutual respect, tolerance and cooperation. EEO is an integral component of sound leadership principles that are essential to mission accomplishment. Employees are encouraged to use the Alternative Dispute Resolution Program whenever possible as a means of openly discussing workplace disputes and possibly resolving complaints.

All general questions related to EEO policies should be directed to your servicing EEO Office. Should you have questions regarding this IB, you may contact Alexie Rogers, Chief of the Office of Civil Rights, at 202-912-7484.

Signed by:
Neil Kornze
Director

Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-860



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUL 26 2011

Memorandum

To: All Department of the Interior Employees

From: Secretary *Ken Salazar*

Subject: Policy on Equal Opportunity and Zero Tolerance of Discrimination and Harassment

I am dedicated to promoting equal opportunity and a discrimination-free workplace at the Department of the Interior. The Department of the Interior is the face of America. The public we serve can only benefit from a workforce that thrives on equal opportunity.

I am also committed to the Department's long-standing policy that any type of unlawful discrimination or harassment will not be tolerated and must not occur. This policy affirms the Department's zero tolerance for discrimination and harassment on the bases of race, color, national origin, religion, sex (including pregnancy and gender identity), age, disability, sexual orientation, genetic information, or protected activity. All employees have a public trust to carry out the Department's policy on equal opportunity and create a work environment that a reasonable person would not consider intimidating, hostile, or offensive.

Employees who believe that they have been victims of harassment may, without fear of reprisal, seek immediate assistance of a management official as well as their Office of Civil Rights or Office of Equal Employment Opportunity. Employees may also utilize the Department's CORE Plus Program to mediate conflicts in the workplace. For additional information, please go to www.doi.gov/eo.

Our policy on Equal Opportunity, and Zero Tolerance of Discrimination and Harassment extend to programs conducted by or receiving financial assistance from the Department. All equal opportunity and civil rights laws will be strictly enforced throughout the Department, and there will be zero tolerance of any form of discrimination or harassment in those programs as well.

I expect each manager and supervisor to join me in ensuring equal opportunity and zero tolerance of discrimination in a harassment-free workplace. I encourage our managers to talk with their employees about this policy on a regular basis.