

ORM NEWS

**From the Office of the Deputy
Assistant Secretary for
Resolution Management
Department of Veterans Affairs**



January 2003

From the Deputy Assistant Secretary



HAPPY NEW YEAR! I hope you had joyous and safe holidays and that 2003 is all you hope it to be personally and professionally. I congratulate you on our great accomplishments in 2002.

I am writing this column soon after returning from a meeting where the primary topic of discussion was **Performance Targets & Expectations in the Department of Veterans**

Affairs. Performance monitors have been established to ensure VA meets these targets and can make mid-course corrections when needed. The Administration (the President), Department of Veterans Affairs (the Secretary), and HR&A (the Assistant Secretary) have specific targets and monitors.

We also have targets that must be met. The three most visible targets for ORM are (1) **Completing investigations within 180 days**, (2) **Completing counseling without mediation within 30 days** and, (3) **Completing counseling involving mediation within 90 days.**

The FY 2004 budget documents will show “completion of 99% of investigations in 180 days or less” as a target for VA in 2005. We will review this target to see if it is reasonable. The average of 180 days is reasonable and we should be able to do that.

I will pay close attention to the following monitors to help me determine if we are on target and to help determine what we must do to get back on target if we are not meeting these goals:

- **Cases pending assignment to an investigator for more than 90 days.**
- **Cases pending election older than 200 days.**
- **Cases pending completion of investigation that are older than 150 days.**
- **Cases pending technical reviews older than 165 days.**
- **Cases pending procedural review older that 60 days.**
- **Informal cases w/o mediation older than 30 days.**

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- **Informal cases with mediation older than 90 days.**
- **Cases pending completion of investigations that are older than 180 days.**

Other monitors may be added in the future and these may be modified.

Meeting these targets is a team effort. We can achieve these goals only by working as a team. Each manager has monitors to help each office stay on target, just as I have monitors for ORM as a whole. I am fully confident that we will meet our targets and continue to demonstrate that we are one of the best organizations in our field.

James S. Jones

Reminder: Federal regulations require federal employees to:

1. Consider GSA-contracted hotels for official business before using other hotels. In many instances, the GSA hotel offers a lower lodging rate than the official government rate.
2. Verify the hotel to be used is cited on the Hotel and Motel National Master List (www.usfa.fema.gov/applications/hotel) and meets the requirements of the Americans with Disabilities Act (<http://www.usdoj.gov/crt/ada/adahom1.htm>).

Contact Armenda Daye, Contract Administrator, at (202) 501-2903 for more information.

Highlights of Regulations and Programs

Settlement Agreement Techniques and Tips Part V

Once a settlement has been achieved, reduced to writing, and signed by the parties, all that remains is for the parties to abide by its terms. Sometimes, this may be more difficult than it appears. What can you do to avoid settlement failure? Here are some tips. If you would like to review Tip #1, through Tip #8, in detail, you can find them in previous publications of ORM newsletters.

TIP #1: MAKE SURE EACH PARTY PROFITS BY THE SETTLEMENT AGREEMENT.

TIP #2: DO NOT INCLUDE A "NO REPRISAL" CLAUSE.

TIP #3: MAKE SURE THE PROVISIONS ARE PRECISELY STATED.

TIP #4: INCLUDE TIME FRAMES.

TIP #5: DEFINE TERMS.

TIP #6: MAKE SURE THAT THE APPROPRIATE PARTIES SIGN THE AGREEMENT, AND REMEMBER ONLY THE PARTIES TO THE AGREEMENT ARE BOUND BY ITS TERMS.

TIP #7: FOR AGE DISCRIMINATION COMPLAINTS, INCLUDE THE SPECIAL PROVISIONS.

TIP #8: MAKE SURE THE PROVISIONS OF THE SETTLEMENT AGREEMENT ARE LAWFUL AND DO NOT CONFLICT WITH OPM, CSRS, FERS, OR ANY OTHER REGULATION.

TIP #9:

AVOID CONFIDENTIALITY CLAUSES.

It is recommended not to include a confidentiality clause in a settlement agreement. Confidentiality clauses in settlements cause problems because they are difficult to enforce. Instead of mandating confidentiality in a settlement agreement, it should simply note the intention of the parties to keep the details private. If you must use a confidentiality clause, the agreement should include specific permission to disclose the terms of the agreement to those agency officials who have a need to know in order to execute and maintain the terms of the agreement. The agreement should also address whom the complainant can disclose the terms to. Complainants generally will want permission to disclose the terms of the agreement to immediate family members, lawyers, and other tax or financial consultants.

TIP #10:

ADDRESS TAX CONSEQUENCES

Agreements providing compensatory damages need to address tax consequences. Provide, for example, that the complainant shall be solely liable for all federal and state income tax, FICA, and other withholdings as specified by law and regulation. In addition, state that the parties agree the employee is solely liable for all tax consequences and obligations arising from the payment.

(Gina Suppa, ORM, Office of Policy & Compliance)

PR Goes Beyond Media

The following is an excerpt from “PR Goes Beyond Media by Elaine Buelhler, Denver Office of Public Affairs. This article appeared in the November 2002, DVA Public Affairs Report.

Once upon a time, a myth was formed that led people to believe that the term “public relations” meant activities related to or focused on media. It’s time to blast that myth to oblivion.

Public relations is defined by the American Heritage Dictionary as the methods and activities employed by an individual, organization, corporation, or government to promote a favorable relationship with the public. Nowhere in that definition is the term “media.” Media are tools to help us to promote “a favorable relationship with the public,” but are not the only method or activity involved in public relations.

PR is getting your message out. It is image building, morale building, loyalty building and becoming a part of the community.

In days gone by, police officers would “walk a beat.” They knew everyone—neighbors, shopkeepers, young and old alike. The officers didn’t just protect and serve the community—they were part of it. As the years went by communities grew and the officers moved into patrol cars to cover their beat and became separated from the community. Police forces across the country recognized that they were losing touch with those they were there to serve and made some changes. Officers are returning to their roots, patrolling local bars on bicycles and on horseback, and once again becoming a part of the community.

Our hospitals care for the sick, injured and disabled. Our Regional Offices help their customers gain benefits, education and purchase homes. Vet Centers assist their customers in maintaining mental well being, and our National Cemeteries lay our nation’s heroes and their loved ones to rest in national shrines. Just doing our jobs however, is not enough.

Spread the message

Word of mouth is a powerful public affairs tool, often stronger than any media commercial.

VA’s greatest asset is it’s employees, and under the definition of public relations, each and every VA employee is a public affairs officer. As we make contact with veterans, we send a message.

Customer service is also public relations. As we serve both internal and external customers we build customer satisfaction and loyalty. Treating our customers with dignity and respect is paramount.

Internal customer satisfaction is measured in job performance, pride and high morale. When employees are happy and proud to work for VA, they share that message with their spouses, friends and their community. When employees are unhappy, they share that too. External customer service is measured by the quality of care and the success in the care that the veterans receive. The reward for both is good customer generated PR. Word of mouth is a powerful public affairs tool, often stronger than any media commercial.

Spin-Off Complaints

Equal Employment Opportunity Commission (EEOC) regulations state that if a complainant is dissatisfied with the processing of his/her pending complaint, whether or not it alleges prohibited discrimination as a basis for dissatisfaction, she/he should be referred to the agency official responsible for the quality of complaints processing. The Office of Resolution Management's Office of Policy and Compliance has been designated that responsibility.

During FY 2002, the Office of Policy and Compliance received 30 spin-off claims. The following is a snap shot of the concerns raised by aggrieved individuals who were dissatisfied with the processing of their EEO complaints at the various stages in the EEO process during FY 2002.

Counseling Stage

- Counselor's report contains erroneous information.
- Counselor bias and sides with management.
- Counselor blames aggrieved for management's actions.
- Counselor annoyed by follow-up calls from the aggrieved.
- Counseling stage closed before receiving signature from the aggrieved.
- Refused a new Counselor.

Intake Stage

- Case amended without consulting aggrieved.
- Unable to reach anyone resulting in case dismissal.
- ORM staff misplacing formal complaint faxed to office.
- One year after acceptance case is assigned for investigation.
- Intake confrontational.
- Refused to do acceptability decision.
- Wrongful dismissal and no appeal rights provided.
- Denied right to amend complaint.

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Investigation Stage

- Poor quality investigative report.
- Investigator not familiar with the case.
- Investigator asked personal questions not related to case.
- Investigator hostile, biased, and prejudiced.
- Interviews rushed. Investigator asking about settlement.
- Failed to incorporate all documents in the file.
- Investigative file received 3 months later.
- Investigation closed due to management's lack of participation.
- All issues not investigated.
- Objection to investigator's tone and language.
- Short notice to provide witness list and to prepare for interview.
- Witness not interviewed and not given opportunity to rebut management's statements.
- No input into when investigator is replaced.
- Interview location next to RMO's office.

Other

- EEO process unfair.
- Case not given proper consideration.
- Not provided due process.
- Field Mgr. did not end counselor's report as promised.
- Field Office failed to process formal complaint.

It is apparent, from the issues raised in these spin-off claims, that aggrieved individuals feel strongly about their perceptions of how their complaints were processed. It is also apparent, in some cases, that individuals utilizing the EEO process are not always familiar with the internal processes that are in place to move the complaint from acceptability to closure.

We can address these issues by ensuring that aggrieved individuals are fully informed of the processes involved in moving their complaint from acceptability to closure. That all appropriate steps and timeframes are followed when processing complaints and by ensuring that we, in ORM, continue to uphold our motto of "Fairness, Integrity, Trust" when interacting with individuals involved in the EEO complaint process.

The allegations made in this article do not represent substantiated claims. This information is intended to identify how the process is perceived by some complainants and can therefore be incorporated into initiatives designed to further clarify the process to employees in general.

Contact the Office of Policy and Compliance at (202) 501-2680 for more information on spin-off complaints.

(Office of Policy and Compliance)

VTC NOW INSTALLED AT ALL ORM FIELD OFFICES

Does this picture look familiar? It should. It is the Tandberg Video Teleconferencing System, and it brings Video Teleconferencing (VTC) capability to ORM nationwide.



In July 1999, ORM's Information Technology Services (ITS) initiated a pilot project to install video teleconferencing systems in the Washington DC, Bay Pines, Los Angeles, and Little Rock field offices. The pilot project, which was to demonstrate the cost effectiveness and productivity gains of conducting virtual meetings, was overwhelmingly successful. Geographically separated employees, dealing with similar job requirements and issues, were more interactive after the installation of the VTC equipment. Travel was reduced, and training cost reductions were realized. Additionally, managers found that they had greater flexibility in forming teams and task forces by being able to draw upon resources without geographical constraints. In July 2002, approval was given to proceed with the installation of VTC equipment to all ORM field offices nationwide.

As of this date, the new Tandberg equipment for the VTC rollout has been delivered, installed, and tested at all ORM field offices and the Bay Pines Learning Center. Distance learning, virtual meetings, and the collaborative efforts of employees in separate locations, linked electronically to allow participants to see and hear participants at other locations, is now possible at each of our offices. It is anticipated that ORM employees will find many uses for conducting convenient, multi-site sessions using this equipment.

As an example, ITS is planning to use the VTC system to orientate employees on the details of *Project Refresh*. These sessions, which will be announced two weeks prior to the rollout of the new desktop systems, will cover such topics as saving files to the network drive, computer use policy, what users can expect from the visiting installation teams, and any other topic that may arise in the ensuing discussions. Stand-by for further instruction on scheduling and video etiquette. Mr. Jones encourages all employees to explore this medium and to be proactive in finding innovative ways of using VTC. In addition, he invites you to submit, via email, any suggestions or ideas that you may have on this matter to Kevin Thomas or Robert Green of ITS.

(Information Technology Services)

Office Notes

IT Staff

Vanessa Dawson-Vaughn would like to pass along her personal thanks to everyone in the ORM family who sent emails, letters, cards and notes to her and her family on the recent death of her sister Andrea Brooks.

Office of Policy and Compliance

A Soldier's Story - The Office of Policy and Compliance will greatly miss **Vernet Fraser**, Compensatory Damages Investigator. Vernet was called to active military duty on Thursday, January 2, 2003. His last day with this office was Friday, January 3, 2003. He is expected to be on Military Duty status for up to one year. Our hearts and prayers go with Vernet and all the other troops serving our country.

Deputy Assistant Secretary Staff

Alvertis Ramsey-Parrish, Budget Officer, is on assignment in the office of the Assistant Secretary of HR&A.

Little Rock Field Office

The Little Rock Field Office held it's Annual Program Conference in Destin, Florida, the week of December 3-5, 2002.

In attendance were Medical Center and Regional Office Directors, EEO Professionals, ADR Coordinators and Union Officials. The purpose of the conference was to share information and ideas, address issues, and build and/or improve working relationships.

Noted guest speakers included, Nora Egan, Chief of Staff, Office of the Secretary, Department of Veterans Affairs; Laura Miller, Deputy Under Secretary for Veterans Health Administration; Dr. Jacob Lozada, Assistant Secretary for Human Resources & Administration; James S. Jones, Deputy Assistant Secretary, Office of

Resolution Management; Malcolm Porter, Chief Operating Officer for Resolution Management; and the Directors of VISN's 16, 9, 17 & 8.

The three-day conference was well attended with over 148 participants. Because of the positive feedback and the information shared among participants, other ORM Field Offices expressed an interest in hosting similar conferences.

ORM Little Rock would like to thank the Field Managers who attended the conference for their assistance and participation. Special thanks to Paul Crain, Brenda Stamps, Joan Hanson, Peggy Joyner, Bill Low, Lewis Henson, Jim Foster, Rosa Franco, Linda Buffer, and Annie Fontenot who were presenters at the conference.

Special thanks to the Bay Pines Field Office Staff ([Ricky Rowe](#), [Brenda Smith](#), [Linnell Baker](#) and [John Mitchell](#)) who attended the conference and assisted our staff in various areas.

[Willie "Rudy" McIntosh](#), EEO Investigator, retired on December 31, 2002. A retirement luncheon was held in his honor on December 19, 2002.

[Ava' Maria Knight-Brown](#), EEO Counselor, was married to Roger Marshall in a private ceremony on December 30, 2002. Congratulations to Maria & Roger.

Students from Boone Park elementary (Little Rock's adopted school) were scheduled to perform Christmas carols for the office staff on December 19, 2002. In anticipation of this event, Little Rock staff prepared over 75 bags of candy and cookies. Unfortunately, the performance was cancelled due to school closings in the district as a result of a "flu" epidemic. The bags of goodies were delivered to the VA Medical Center's daycare center. The office staff also contributed to the purchase of two soccer ball nets for Boone Park which were to be presented to them for Christmas. The nets will be delivered in January and installed by the staff. A special thanks to the Little Rock Staff and their big hearts.

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Washington Field Office

Henry (Buddy) Sapp and **Linda Moga** both retired on December 31st. A retirement celebration was held on December 12th at the Pier 7 Restaurant. "We will miss both of them" Love, ORM Family.

The Washington Field Office sponsored a food, toy and clothing drive during the Christmas Season. The donated items were given to "Martha's Table" in Washington, D.C. Many thanks to those who contributed and assisted in this project. The coordinators for this event were **Fred Smith** and **Cheryl Thompson**.

Reminder: Project Refresh will soon be coming to your location!

1. Have you copied your P.C. files in accordance with the instructions provided by ITS in their e-mail of December 11, 2002? If not, why not?
2. Project Refresh will result in the de-installation (removal) of your current P.C. which will be replaced by a new system. To prevent the loss of the files on your current hard drive, please follow the instructions outlined in this e-mail. Your old systems will be "wiped clean" after removal from your space. This means all programs and data on these systems will be permanently destroyed. Don't lose important information.
3. Contact the *Help Desk* at (202) 501-2851 for more information or assistance.

ORM NEWS is a monthly publication of the Office of Resolution Management. Please E-mail Terry Washington, External Affairs Program Analyst, or Tyrone Eddins, External Affairs Program Manager, to submit your recommendations, suggestions, or comments on the information presented in this newsletter. We can be reached at (202) 501-2800. Back copies of the newsletter can be found on ORM's Web site at <http://www.va.gov/orm/NewsEvents.htm>.