

ORM NEWS

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



February 2004

From the Deputy Assistant Secretary



Five-level Appraisal System

VA moved from a pass/fail performance system to a 5-tier performance appraisal system effective January 30, 2004.

Secretary Principi, in his announcement about the new system, said, " Our existing pass/fail appraisal system does not allow our employees to realize their potential, and as a result, we are moving to a five level performance-rating program. A five level appraisal program, tied in with performance awards, will

improve our employee's ability to fully participate in the appraisal process. It will also give managers and employees important opportunities to talk about work goals and performance on a regular basis. In addition to improving communication amongst our employees, it will increase the chances that employees receive credit for their good work. We are also changing because many of you were frustrated with the existing system and value the ability to be rated based on your performance levels. Our new performance appraisal system demonstrates to the world our continued desire to excel, at every thing we do."

Employees will be rated Outstanding, Excellent, Fully Successful, Minimally Satisfactory, or Unsatisfactory and will be eligible for performance awards based on their performance rating. The appraisal form, VA Form 0750, has been revised and simplified. Formal training has been developed for all levels of the organization using satellite broadcasts, videotapes, toolkits, and an informational website <http://vaww.va.gov/title5performance/>.

Our goal is to have 100 percent of the new performance plans for ORM issued to our employees by March 1, 2004. I will hold an all employee conference call soon to provide you with further details about the new system.

James S. Jones

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Program Highlights

Going the Extra Mile – An ORM Story about Timely Service

Carolyn Wakefield, Intake Specialist, – with assistance from **Marjorie Ann McNutt**, Investigator Team Leader, and **Gilbert Rodriquez**, Investigator– recently exemplified ORM’s mission “To provide timely and high quality equal employment opportunity complaint processing...”

When informed that an employee, whose complaint she had recently accepted, had been deployed to the Middle East for a year, Carolyn decided to see what she could do to help move his case along, even though he was overseas. Knowing that this case would languish until he returned, she decided to find out if there was something she could do to assist him. She contacted the employee’s director and asked if they had heard from him. They had – by email. This gave her an idea. Carolyn sent him an email. Bingo! He responded.

By email the two agreed to proceed with processing the complaint (conducting the investigation) while the complainant was still deployed. The complainant told Carolyn that he was expecting to go to a neighboring country within the month where a phone might be available. He said that he would keep her posted about his travel plans. She then enlisted Marjorie’s aid; who assigned Gilbert to the complaint and assisted him in preparing to obtain the complainant’s affidavit on short notice.

In his next email to Carolyn on Friday January 23rd, the complainant said he was home for two weeks. This information was forwarded to Investigator Rodriquez who contacted the complainant and arranged to take his affidavit. The affidavit was taken and the report of investigation was finished the following week.

The complainant, who is back in Middle East, sent Carolyn the following: “Ms. Wakefield – I had my interview while I was home on R&R. I am back in Iraq now. Regardless of the outcome of the investigation, I want to thank you for your assistance. You have been very helpful, especially in light of my current circumstances. I truly appreciate everything you have done. Thanks again.”

To Carolyn, Gilbert, and Marjorie, our thanks for going the extra mile to assist this employee while he serves our nation. Otherwise – action on this complaint would be delayed until he returned. This is a great example of our employees recognizing that they are here to help people – not just to follow a process and do only what’s required. ■

No FEAR Act Data Posted on ORM Web Site

VA equal employment opportunity (EEO) complaint processing data has been posted on ORM's Web site in accordance with the No FEAR Act.

The posting of this data on federal agency public Web sites is intended to assist Congress, Federal agencies, and the public to assess whether and, the extent to which, agencies are living up to their equal employment opportunity responsibilities. Under the Act, federal agencies must post, on their public Web sites, a link to summary statistical data pertaining to complaints of employment discrimination filed by employees, former employees, and applicants for employment.

Data for the first quarter of fiscal year 2004 is posted under "Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act" at <http://vaww.va.gov/orm/NOFEAR-Select.asp>.

Information includes:

- ❑ Quarterly year-to-date cumulative statistical data for the current fiscal year.
- ❑ Year-end data for the five previous fiscal years.
- ❑ Agency wide data and sub-element-specific data.
- ❑ Number of complaints in a given fiscal year.
- ❑ Number of individuals who file complaints in a fiscal year.
- ❑ Number of individuals who file multiple complaints during a fiscal year.
- ❑ Number of complaints by bases and issues. This includes a "non-EEO basis" category. In cases where multiply bases are alleged, agencies must post data showing that a complaint was filed on each basis. EEOC has also provided a list of issues most commonly raised in complaints.
- ❑ Number of amendments or changes made to a complaint
- ❑ Fiscal year average processing times to complete "each step of the process. The four steps are:
 - Investigation
 - Hearing
 - Final action by an agency after an investigation or hearing
 - Appeal
- ❑ Average processing times under three categories:
 - All complaints pending during the fiscal year;
 - Complaints in which a hearing is not requested; and
 - Complaints in which a hearing is requested.
- ❑ Number of pending complaints filed in prior fiscal years and where they are in the complaint process.
- ❑ Number of pending complaints that were not investigated timely (within 180 days of the date the complaint was filed). ■

VHA Alternative Dispute Resolution Program

Veterans Health Administration (VHA) has issued *VHA Directive 2004-001*, dated January 6, 2004, that details VHA policy regarding the use of alternative dispute resolution (ADR) methods to resolve disputed issues pertaining only to matters involving Equal Employment Opportunity (EEO) issues.

Background

VHA is committed to providing its employees with a work environment that enables them to deliver quality patient care and services to the Nation's veterans. To do this, employees must have access to effective and efficient mechanisms for resolving workplace disputes. In addition to the traditional administrative adjudication processes, every VHA employee must have the opportunity to utilize an ADR process to resolve workplace differences or disputes. Mediation is the preferred ADR process used to resolve EEO disputes within VHA

Policy

It is VHA policy to offer mediation for all appropriate EEO related issues regardless of the stage of the complaint process. These issues are reviewed on a case-by-case basis to determine the appropriateness for mediation. When an aggrieved employee has agreed to pursue resolution through mediation, management must participate in the process.

The Process

Upon verbal or written notification to the EEO Manager, the ADR Coordinator, or Veterans Integrated Services Network (VISN) Lead Coordinator that an aggrieved individual wishes mediation, a mediation session must be scheduled and management must participate. Mediation must be completed within 21 business days after an agreement to mediate has been signed.

In rare circumstances, certain types of allegations may not be appropriate for mediation. The following factors suggest there should be a case-by-case evaluation to determine the appropriateness of mediation:

- (1) An indication that fraud, waste or abuse has been committed;
- (2) An allegation of patient abuse;
- (3) An allegation of sustained, continuing sexual harassment;
- (4) A removal for cause, e.g., removal based upon the commission of a felony. *(Continued on the next page)*

If mediation is refused by management, VA Form 10-0413, Notice of Refusal to Mediate, must be completed and routed through the appropriate channels as shown on the form within 5 working days following the refusal. A copy of VA Form 10-9413 must be provided to the EEO Counselor for the case. *Note: VA Form 10-0413 can be accessed at the following address:* <http://vaww.vhaco.va.gov/eo/Documents/Refusal%20to%20Mediate.pdf>

R. LaMont Johnson or MaryEllen Garcia, ORM ADR Co-Managers, for additional information on this policy. ■

DAS for ORM Appearing on Diversity News

James S. Jones, Deputy Assistant Secretary for Resolution Management, is appearing on Diversity News in February, discussing resolving workplace disputes, with a focus on Alternative Dispute Resolution (ADR).

Diversity News, a monthly news program reporting on recent diversity-related court cases, studies, surveys, special emphasis issues, events, and other national news, airs on VA Communications Channel 2 on Tuesdays and Thursdays right after VA News. That's 4:15 and 8:15 in the morning, 12:15 and 4:15 in the afternoon, and 10:15 in the evening (all Eastern Standard Time). A new program starts the first week of each month. Diversity News is produced by Diversity Management & Equal Employment Opportunity. ■



Employees Returning from Active Duty Granted Uncharged Leave

President Bush issued a memorandum, in November 2003, granting employees returning from active duty five days of uncharged leave. Below is the full text of the memorandum.



“Subject: Return of Activated Military Members to Federal Civilian Employment

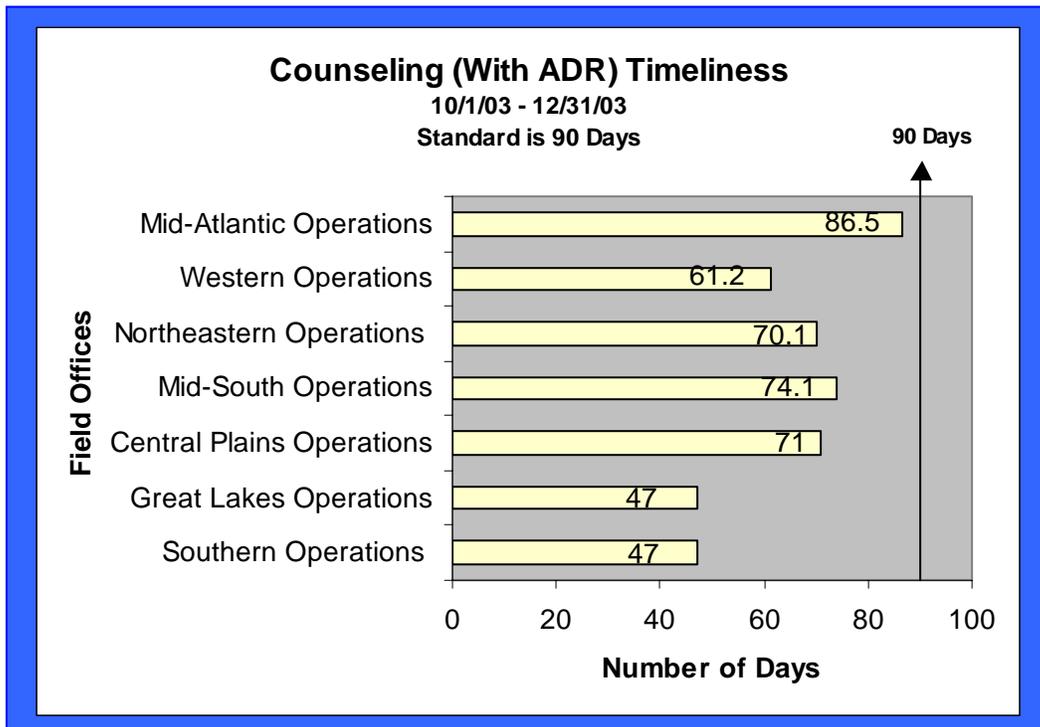
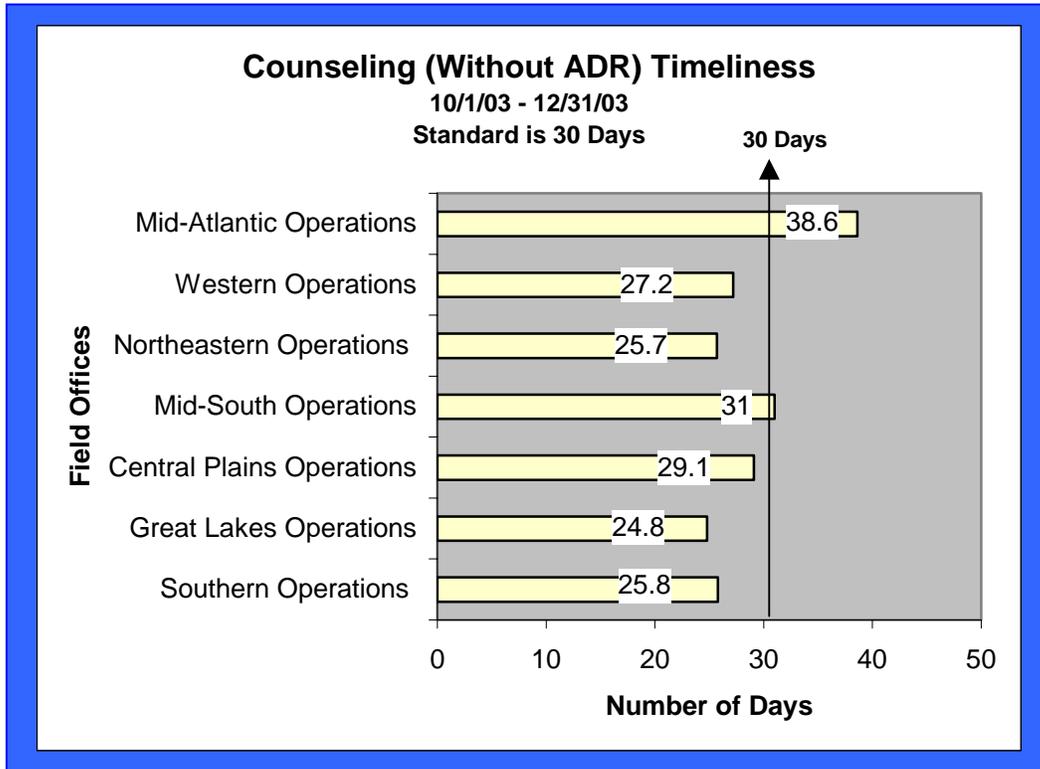
As we welcome home returning Federal civilian civil servants who were called to active duty in the continuing Global War on Terrorism, we recognize the contributions they have made in the defense of freedom. Whether they served with the Reserve Forces or the Air and Army National Guard, each of them has my personal gratitude and the respect and admiration of a grateful Nation.

The Federal Government will continue to be the model for employer support to the Guard and Reserve. We are the guarantors of the rights of returning service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and I am personally committed to providing each of them with our full support, recognition, and assistance. According, I hereby direct you to grant Federal employees under your authority who are returning from active duty 5 days of uncharged leave from their civilian duties, consistent with the provisions of Federal law.

We also are grateful for the extra efforts of the many Federal civilian employees who, in the absence of their fellow activated workers, have contributed to the War on Terror, and I urge you to recognize these Federal employees by appropriate means.”

The Office of Personnel Management (OPM) has also issued instructions to agency heads concerning the granting of this leave to eligible employees. Employees returning to work after serving on active duty should contact their agency human resources offices to obtain information on their entitlements and obligations under USERRA. ORM employees can contact Waltrunette Gardner, ORM HR Manager at (202) 501-2891 or Zakia Batchelor, HR Specialist, at (202) 501-2756. ■

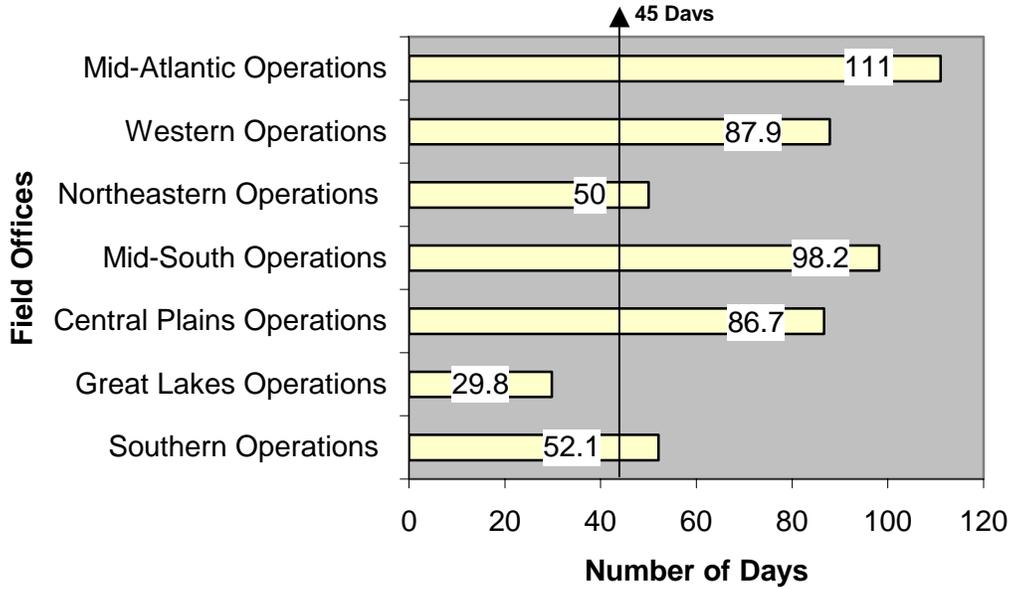
Field Office Average Processing Timeliness Snapshots



Procedural Review Timeliness

10/1/03 - 12/31/03

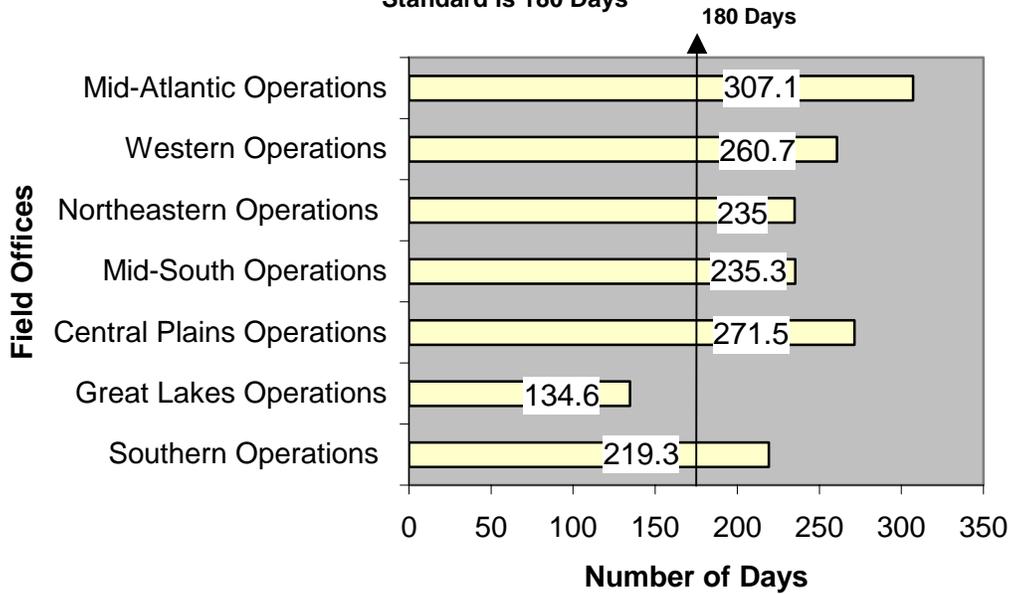
Standard is 45 Days



Investigation Timeliness

10/1/03 - 12/31/03

Standard is 180 Days





Office Notes

Combined Federal Campaign

Congratulations to everyone in the Office of the Deputy Assistant Secretary (DAS) and the Washington Field Office who participated in the 2003 Combined Federal Campaign (CFC). You contributed \$8,088, far above the goal of \$1,369. The following individuals were recognized for their exceptional contributions:

James S. Jones – Double Eagle Award and Gold Eagle Portfolio Gift

Elizabeth Hawkins – Eagle Award and Bronze Eagle Pen Set

Waltrunette Gardner – Bronze Eagle Pen Set

Earnestine Richardson – Bronze Eagle Pen Set

Thanks to **David Betts** for his efforts as the CFC Chairperson.

Washington Field Office – Mid-Atlantic Operations

Gwendolyn Gantt, EEO Investigator, is currently detailed to the Veterans Benefit Administration (VBA) from January to April 2004. Gwen will be working on ADR program initiatives for VBA. Her detail is in conjunction with her participation in the Federal Executive Leadership Program.

Cleveland Field Office – Great Lakes Operations

Tywanna (Ty) Halstead, Regional EEO Manager and her daughter, recently showed their support for our troops overseas when they were part of the “Today Show” outdoor audience in New York on January 23, 2004. They braved the frigid weather with a sign that read “The Office of Resolution Management – Supporting Our Troops.” She had this to say about her experience – “It was 9 degrees that day and although I was dressed for the cold, my daughter and I almost froze. We were outside from 5:00
(Continued on next page)



Ty, Front row, third from the left, with Al Roker of NBC's Today Show

AM until 8:00 AM. But we were determined and were first in line and secured a space in the front on the fence for our signs. I told Al Roker that I was from Cleveland, worked for the Department of Veterans Affairs Office of Resolution Management, and that our employees' counsel, investigate and resolve complaints of discrimination filed by employees and applicants. I told him that I thanked, honored, and appreciated every veteran and their families for the sacrifices they have made for our country. Afterwards, I received calls from almost every service organization saying they saw me or heard about my national thank-you to all veterans. Several people that I did not know called to say, "good going" for honoring veterans. One man, who said he was in Iraq, when the statute of Saddam was pulled down, was surprised that a VA employee appreciated his going to war."

A big thank you to [Sondra Oker](#), EEO Counselor, Cleveland Field Office, who organized a Xmas celebration luncheon for employees of the Cleveland and Detroit offices at Shula's Steak House in Independence, OH. The event was filled with good cheer, gifts, and prizes. Employees of the Hines Office also got together for their own holiday celebration at a local TGIF Restaurant.

[Autumn Oker](#), Sondra's daughter, has been accepted into the College of Pharmacy at Ohio State.

Thanks to all of the employees who participated in the Cleveland Offices' collection of toiletries, cloths, and toys for the "Haven of Rest Ministry" in Akron, OH. This organization provides emergency shelter for women and children in crisis situations. Twenty-two children (ages 4 months to 16 years old) and their mothers had their Xmas made more joyous by this effort.

Travel Notice

The VA has a contract with Zegato to provide an electronic Temporary Duty (TDY) travel package. The \$21 transaction fee currently being charged to an employee's Individually Billed (IB) government charge card is an administrative fee for travel. VA has reimbursed the traveler for this transaction fee prior to their card being charged. This charge is to offset the payment already received by the traveler.

If you traveled for the VA on official business using the Zegato travel system and you were reimbursed for your expenses, including the \$21 fee, Zegato will charge your government charge card for the \$21 fee. It is the traveler's responsibility to ensure payment is made to Citibank.

Contact Barbara Scott at (202) 501- 2817 for more information.

Did You Know?

VA Black History Month Celebration

VA proudly joins the Nation in celebrating Black History Month in February. This year's theme--chosen by the Carter G. Woodson Foundation--is "Brown v. Board of Education 50th Anniversary."

In 1915, educator and historian Dr. Carter G. Woodson undertook the task of writing Black Americans into the Nation's history by founding the Association for the Study of Negro Life and History, which was later renamed the Association for the Study of African American Life and History. It was through this organization that Negro History Week was first celebrated in 1926 and, subsequently, Black History Month was established in 1976.

Dr. Woodson chose the second week of February for Negro History Week because it marked the birthdays of two people who had greatly impacted Black Americans' lives: Frederick Douglass and Abraham Lincoln. However, February has much more than Douglass and Lincoln to show for its significance in Black history. For instance:

- ❑ February 23, 1868: W.E.B. Dubois, an important civil rights leader and cofounder of the National Association for the Advancement of Colored People (NAACP), was born.
- ❑ February 3, 1870: The 15th Amendment was passed, granting Blacks the right to vote.
- ❑ February 25, 1870: The first Black U.S. senator, Hiram R. Revels (1822-1901), took the oath of office.
- ❑ February 12, 1909: The NAACP was founded by a group of concerned Black and White citizens in New York City.
- ❑ February 1, 1960: In what would become a milestone in the civil rights movement, a group of Black college students from Greensboro, North Carolina, staged a sit-in at a segregated Woolworth's lunch counter.

Source is the Office of Diversity Management and Equal Employment Opportunity. ■

Snapshot – Blacks in the Federal Workforce

The following information on Blacks in the Federal Workforce is being provided as part of our recognition of Black History Month.

- ❑ As of September 30, 1998 (last year for which data is posted), there are 275,864 Blacks in the permanent Federal workforce.
- ❑ The Department of Veterans Affairs (VA) is the largest employer of Blacks in the Federal workforce. The 42,110 (as of September 1998) Blacks represent 26.8 percent of VA's permanent workforce.
- ❑ The District of Columbia (Washington DC) and Virginia each employ more than 10 percent of all Black Federal employees.
- ❑ California, Georgia, Maryland, and Texas each employ between 5 and 10 percent of all Black Federal employees.
- ❑ Alabama, Florida, Illinois, Louisiana, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Tennessee each employ between 2 and 5 percent of all Black Federal employees.
- ❑ Women represent 44 percent of the Federal workforce while they represent 62 percent of Federally employed Blacks.
- ❑ The average General Schedule (GS) grade level for a Federal employee is 9.4, while Black Federal employees have an average GS grade level of 8.1.
- ❑ Twenty-seven percent of all Black employees in the permanent Federal workforce are age 50 or older.
- ❑ Blacks made up 17.1 percent of the permanent Federal civilian workforce, and 11.0 percent of the civilian labor force.

Source is the Office of Personnel Management. ■

ORM NEWS is a monthly publication of the Office of Resolution Management (ORM). Contact Terry Washington, External Affairs Program, by e-mail or by calling (202) 501-2800 concerning the contents of this newsletter. Back copies of the newsletter can be found on our Web site at www.va.gov/orm