

ORM NEWS

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



July 2003

From the Deputy Assistant Secretary



“Where We are Headed”

As I promised during one of my all employee conference calls, I am sharing with you what has been taking place in ORM since I visited with you in September and October of last year and I want to talk about the initiatives and programs we now have in place to carry us into the future.

First, our organizational succession plan has been submitted to the Secretary. This plan will become part of VA’s agency-wide succession plan. Succession planning is an effective way for managers to formulate recruiting and hiring practices and develop strategies for promoting from within so that people and knowledge are retained by the organization.

Next, I want to discuss the initiatives and programs that will have an effect on how we carry out our responsibilities in ORM. Our goal is to help create an Employer of Choice environment in VA through our discrimination complaint processing and value-added services. Employer of Choice environments have a positive effect on the bottom-line—improved quality, productivity, cost, effectiveness, employee satisfaction, and customer satisfaction.

We have completed the preliminary phase of our Services and Resources Alignment (SARA). SARA will enable us to better utilize our resources and improve the delivery of our services. Some of the benefits of SARA are the following:

- Uniform Quality of Service
- Improved Cost Effectiveness

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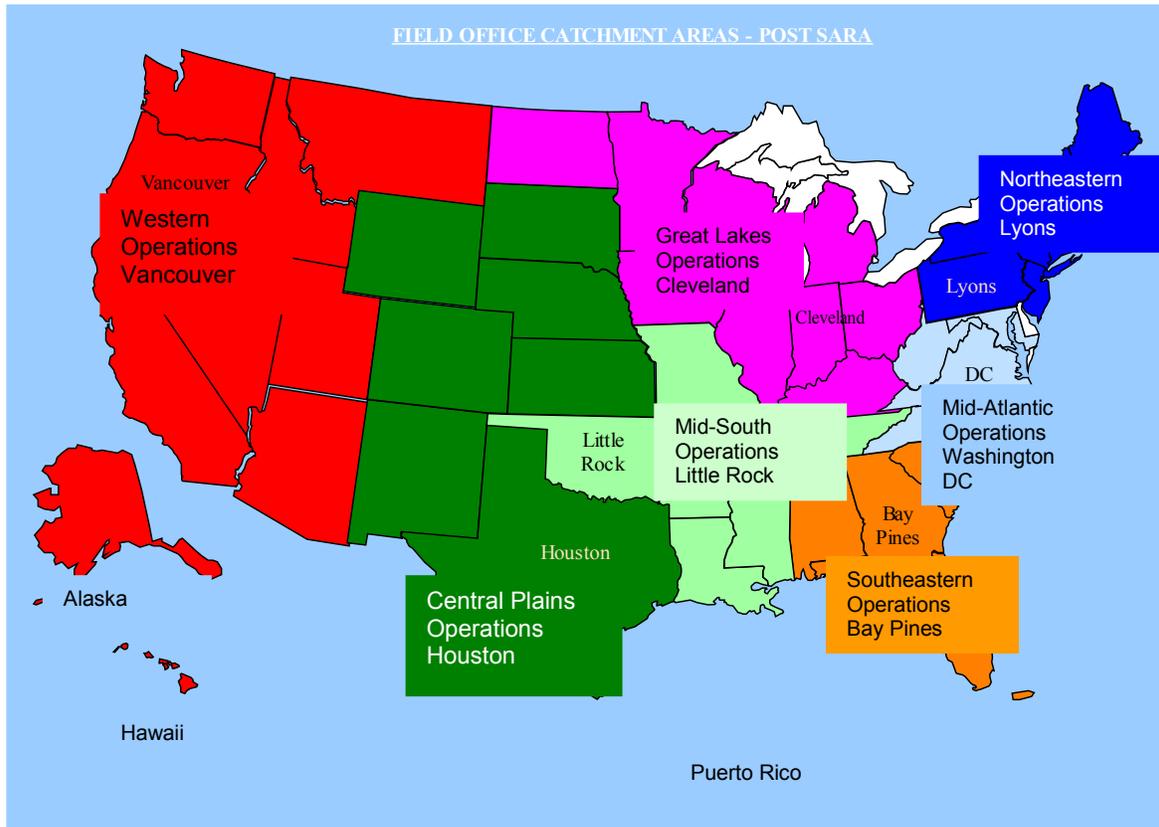
- **Maximum use of Technology**

SARA helps ORM effectively use FTE while meeting established performance goals that will result in a more efficient operation and greater consistency of service. SARA resulted in a realignment of our field offices and the expansion of our programs to better serve our customers. The realignment of our field offices and the creation of new value-added program areas, in addition to our discrimination complaint processing activities, will enable ORM to better utilize its resources and provide more efficient service to our customers.

As part of this realignment, ORM Field Offices have been assigned the following areas of jurisdiction:

- ***Northeastern Operations*** - Rosa Franco manages the Lyons Field Office and the Bedford, New York, Pittsburgh, and Lebanon satellite offices.
- ***Mid-Atlantic Operations*** - David Betts joins ORM as the Regional EEO Officer for the Washington Field Office (Mid-Atlantic Operations). Mr. Betts, an Air Force retiree, served as an EEO Director with the Air Force.
- ***Southeastern Operations*** - William “Bill” Low manages the Bay Pines Field Office and the Lake City satellite office. Southeastern Operations includes Puerto Rico.
- ***Mid-South Operations*** - Austin Lewis manages the Little Rock Field Office and the Murfreesboro satellite office.
- ***Central Plains Operations*** - Paul Crain in Houston manages the Houston Field Office and the Amarillo, Leavenworth, Denver and St. Louis satellite offices.
- ***Great Lakes Operations*** - Tywana Halstead manages the Cleveland Field Office and the Detroit and Hines satellite offices.
- ***Western Operations*** - James Foster manages the Vancouver Field Office and the Los Angeles, Long Beach, Palo Alto, and Sepulveda satellite offices. Western Operations includes Alaska and Hawaii.

The areas of jurisdiction are shown below:



Customer Service

Our Customer Service program, headed by Brenda Stamps, will enable us to obtain feedback from both our internal and external customers on the effectiveness of our programs. This information will help improve the delivery of our services and programs.

Quality Assurance

Our Quality Assurance program, headed by Peggy Joyner, is designed to evaluate the quality and timeliness of services. The program will recognize strengths and weakness in each field office and identify areas that need improvement. This program will ensure consistent, accurate, uniform, and high quality discrimination complaint processing throughout ORM.

Enterprise Activities

Other federal agencies have requested our assistance by establishing interagency agreements with ORM for EEO services in complaint processing and mediation training. Our enterprise activity, headed by Charlotte Jones, was established to coordinate these activities. Ms. Jones

is also overseeing our efforts to reduce/eliminate the backlog of cases over 180 days old.

In addition to these new program areas, we are developing or enhancing the following programs:

Organizational Climate Assurance Program (OCAP)

We have completed the pilot phase for OCAP and we are currently revamping the program to ensure its effectiveness. OCAP helps VA facilities identify employee concerns and issues that may have a negative impact on the workplace environment through the use of electronic on-line climate surveys, focus groups, and reports to facility management on the results of the environmental assessments. OCAP focuses on complaint prevention and early resolution. Lamont Johnson is the lead manager for OCAP and serves as the backup manager for our Alternative Dispute Resolution (ADR) program.

Alternative Dispute Resolution Program (ADR)

We are exploring ways to expand ADR programs and the use of mediation throughout VA. MaryEllen Garcia is the lead manager for our Alternative Dispute Resolution Program (ADR) program activities and is the backup manager for our OCAP program.

EEO Intern Program

We are expanding our EEO and HR training initiatives to include an EEO Intern Program. This program is designed to help recruit, attract, and train exceptional individuals for EEO positions within ORM.

Electronic Records Project

Efforts are underway to create a paperless, electronic EEO complaint file system. This system will permit improved access and tracking of these records. The costs to produce, compile, and maintain these records will also be reduced.

Root Cause Analysis Report

The Root Cause Analysis Report is being expanded to include a wider variety of the underlying causes of complaints such as harassment (non-sexual), sexual harassment, working conditions (hostile), and failure to promote.

EEO Comparison Data

EEO comparison data (informal and formal complaint activity for fiscal years 2001 and 2002) is being provided to the various components of VA (Veterans Health Administration, Veteran Benefit Administration, National Cemetery Administration, and VA Central Office) to assist them in monitoring EEO complaint activity.

Senior Managers Report

The Senior Managers Report is being revamped. This congressionally mandated report summarizes employment discrimination complaints filed against senior VA managers on the basis of their alleged personal conduct.

ORM Employee Survey

A follow-up to last year's ORM employee survey is being scheduled for later this year to measure the effectiveness of initiatives undertaken to respond to employee issues raised in that survey.

Intermediate and Advanced EEO Investigator Training

Our employee training programs are being expanded to include *Intermediate and Advanced EEO Investigator* training. This training will cover topics such as human resources, EEO case law, and fact-finding conferences. It is designed to enhance the development of our experienced cadre of investigators.

As you can see, we have a variety of innovative programs and services that will be helpful in addressing many of the issues affecting VA's workplace. These programs and services, in addition to our discrimination complaint processing activities, will enable us to become a more valuable asset to VA.

Vibrant and effective organizations constantly change in order to meet the demands of the marketplace. In our case, we want to meet the needs of our customers and stakeholders. We should always seek to improve ourselves, collectively and individually, in order to provide the best that we have to offer. These programs and services will enable us to meet the challenges of the future.

Each of you plays a vital part in what we do. I welcome any comments or suggestions you may have on ways we can further improve our services and programs and help "Create an Environment That Fosters the Delivery of One VA World-Class Service" to veterans and their families.

James S. Jones

Program Highlights

Communication and Cohesion

By Paul Crain, Regional EEO Manager, ORM Houston Field Office

*“Coming together is a beginning, staying together is progress, and working together is success.”
-Henry Ford-*

Under the direction and guidance of Public Law 105-114, *Veterans Benefits Act of 1997*, the Department of Veterans Affairs (VA) established the Office of Resolution Management (ORM). ORM’s mission is to serve VA employees with *fairness, integrity, and trust* throughout the counseling, investigation, and resolution of any equal employment opportunity (EEO) complaint. ORM, which was established in 1997, is still a young and continuously evolving organization. As the Houston Field Office enters its fifth year of operation, I would like to take this opportunity to state my goals for our office:

Goal 1 – to further ensure the timely and accurate processing of complaints,

Goal 2 – to further educate employees, to include executives, on the meaning of discrimination and employees’ rights and responsibilities,

Goal 3 – to ensure the confidentiality, fairness, integrity and trust in the process,

Goal 4 – to promote and educate employees and managers on the uses and benefits of Alternative Dispute Resolution.

Our vision is to be the best in government in the timely and confidential processing of all EEO complaints while remaining sensitive and compassionate to all we serve. We seek to gain and keep the trust and confidence of all VA employees and others touched by our work.

One of the many factors that contributed to our *coming together* five years ago was trust, specifically, the perceived lack of trust of the EEO process as it existed at that time. Trust is also one of the factors that will play a significant role in our *progress* and *success*. Trust not only speaks to our interactions and contacts with our customers and stakeholders, but it also

relates to our own interactions and contacts within our organization (our team). Without trust we cannot function. To amplify this, let me share a short story about some events that occurred twenty years ago.¹

In the fall of 1982, seven people in Chicago's West Side died after taking Extra-Strength Tylenol capsules that had been laced with cyanide. When the deaths were linked to Tylenol, executives at Johnson & Johnson were faced with a monumental choice: shirk responsibility and assert that the tampering had occurred after the product had reached store shelves, or hold themselves accountable for the entire disaster and take drastic steps to restore trust in their brand and their company.

They chose the latter.

They immediately told customers across the country not to consume any Tylenol products until they could determine the extent of the tampering. They halted all advertising and production of the brand. And they recalled all Tylenol capsules from the market--about 31 million bottles with a retail value of more than \$100 million.

These actions, along with other steps Johnson & Johnson took when it reintroduced Tylenol later, helped restore the public's faith in the company. The fact that corporate leaders valued character more than their own success is a key reason why Johnson & Johnson was able to emerge from this crisis with its good reputation--and its most profitable brand--still intact.

As the makers of Tylenol realized, trust isn't automatic; it must be earned. You can't demand it from others; you receive it. But you receive it only when you have three key attributes: character, competence and consistency. These three must mesh together for you to build trust and receive trust from the people you are interacting with.

Of course, once you have the trust of people, you have to maintain it. If you slack off and start thinking only of yourself, you'll betray that trust and your ability to serve will be severely compromised. Fortunately, there are certain steps you can take to keep that from happening. Here are a few:

- ***Focus on shared goals more than personal agendas.*** Never forget the fact that you are serving your agency, office, team or department for the benefit of the people. When it comes to trust, it's not all about you.

¹ *A Matter of Trust*, Dr. John C. Maxwell, Leadership Wired Volume 6, Issue 10

- ***Stay away from politics.***
Let it be known that you can't be bought. Don't even think about going down that road.
- ***Do the right thing regardless of personal risk.***
If doing what's right causes you to get hurt, then grit your teeth and take the pain.
- ***Be accountable to others.***
Don't rely solely on your own judgment to keep you on track. Ask a few trusted colleagues or mentors to keep tabs on how you're doing in all these areas.
- ***Follow the Golden Rule.***
Treat people the way you want to be treated. It's that simple.
- ***Make sure what you say matches what you do.***
This is, by far, the best way to earn and maintain the trust of the people you're serving. On the flip side, the quickest way to betray their trust is to say one thing and do another. If you want a concrete example of this, I have one word for you: Enron.

Next time you visit your local pharmacy, Walgreens, CVS, Eckerd's, swing by the over-the-counter painkillers aisle and survey the number of products that bear the Tylenol brand. Burn that image in your mind and call it up occasionally, just to remind yourself about the importance of trust in your day-to-day interactions with others. ■

Advanced Investigator Training Track in Developmental Stage

By Alison Mangels, Office of the COO

A workgroup of ORM employees, led by Rosa Franco, met the week of July 23rd at the Houston ORM Field Office to begin planning advanced EEO investigator training.

The intent of the training is to elevate the level of expertise of our cadre of seasoned investigators and ensure ORM is at the forefront of the EEO investigative field. The topics that will be covered resulted, in part, from the needs assessment conducted by Learning Resources. The *Advanced Investigator Training Track* is comprised of six major components: the investigative process, HR regulations, basic mediation skills, EEO case law, development of skills to support succession planning, and fact-finding conference training. The delivery of the various modules will be through several different modalities that investigators will take during a specified time period. For example, one module may be taken through U.S.

Department of Agriculture (USDA) graduate courses; another may involve researching information online. Upon completion of all modules and successful completion of three fact finding conferences, in addition to additional criteria still in development, employees will be certified as advanced investigators and eligible for a quality step increase. Development of this training course is scheduled for completion by the end of the second quarter of fiscal year 2004.

If you are an investigator and interested in participating, talk to your Field Manager or contact Rosa Franco at (908) 604-5349.

Check future editions of this newsletter for updates on this initiative and the 8-Hour Mandated EEO Investigator Training program. ■

“What exactly does that Office of Policy and Compliance do anyway?”

Compensatory Damage Investigations

By Michelle McNeill, Office of Policy and Compliance

Compensatory damage decisions can come from several different sources. Sometimes EEOC administrative judges render decisions at the hearing stage, sometimes they order an EEOC compensatory damage hearing and follow with a separate decision on damages. The most common method is through the Office of Employment Discrimination Complaint Adjudication, (OEDCA) when a finding of discrimination has been rendered and the complainant has requested compensatory damages and/or if it is determined that the agency is liable for the losses caused by the discrimination that occurred.

In cases such as these, OEDCA requests the Office of Policy and Compliance (OPC) to conduct a compensatory damage investigation. The complainant has 45 days from the date of the request to provide the investigator with any and all objective evidence. The complainant, appropriate agency and complainant witnesses are interviewed, and a record of investigation is prepared. Thereafter, OEDCA issues a final agency decision on compensatory damages based on the record, the evidence provided by the complainant, and any additional evidence gathered during the investigation. Occasionally, following an EEOC appellate decision, the Office of General Counsel (OGC) may request OPC to conduct a compensatory damage investigation.

OPC has received 13 requests for compensatory damage investigations through May of this fiscal year. In fiscal year 2002 the Department of

Veterans Affairs (VA) was ordered to pay \$1,026,193.66 in compensatory damages. VA has been ordered to pay \$155,070.29 in compensatory damages so far this fiscal year. There have been seven compensatory damage decisions rendered by the Equal Employment Opportunity Commission (EEOC) this fiscal year that are currently being appealed by VA for a total amount of \$300,733.

The Civil Rights Act of 1991 provides for recovery of compensatory damages against federal agencies in cases of intentional discrimination brought under Title VII of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973. Compensatory damages are awarded to compensate a complainant for losses or suffering that are directly or proximately caused by the agency's discriminatory conduct. To receive an award of compensatory damages, a complainant must demonstrate that (1) he or she has been harmed as a result of the agency's discriminatory action; (2) the extent, nature, and severity of the harm; and (3) the duration or expected duration of the harm.

Under the Act, awards of compensatory damages are subject to caps, depending on the number of employees in the agency. Within VA, the Act limits damage awards to \$300,000 per complaint. Non-pecuniary losses and future pecuniary losses, claims that typically do not lend themselves to precise quantification, are subject to the caps. Past pecuniary losses are not subject to the caps, and are fully compensable upon requisite proof. Under the terms of the Act, punitive damages are not recoverable against the federal government.

A complainant may claim any or all of the following losses:

Past pecuniary losses require proof of objective evidence that shows the necessity and value of the expenditures, such as bills, receipts, or canceled checks. The evidence must show that the amount was actually paid.

Future pecuniary losses, in most cases, requires the testimony of an expert witness to establish that the complainant is reasonably certain to incur future expenses, and that such expenses are due to discrimination. The testimony must also show the probable amount of the expenses by establishing both the need for future medical treatment and that the discriminatory conduct created the condition that necessitates the future treatment.

Non-pecuniary losses are non-monetary losses that involve intangibles such as emotional harm, pain, suffering, loss of enjoyment of life, inconvenience, mental anguish, and injury to reputation, character, credit, or professional standing, among other things. This type of harm is

generally shown through testimony. In addition to a detailed statement by the complainant, other evidence of such damages may include statements by physicians, psychologists, psychiatrists, therapists, or counselors, as well as coworkers, friends, family members, or clergy, who can attest to the existence, nature, and severity of the complainant's distress, its cause, its duration, and any manifestation of emotional harm. ■

EFFECTIVE COUNSELING

By Austin Lewis, Regional EEO Manager, Little Rock Field Office

In last month's ORM News, much thought was given to the acronym COUNSELOR and some very inspiring words were associated with being a counselor. This month I would like to focus on the (R) "RESOLUTION ORIENTATED – WE GET RESULTS EARLY IN THE PROCESS AT THE LOWEST LEVEL; THEREBY, SAVING MONEY AND RESOURCES!!!"

The Deputy Assistant Secretary for Resolution has put a great deal of emphasis on "Early Resolution" and ORM spends a lot of resources promoting ADR through mediation training and participation in workplace disputes as mediators. It is well known that in any dispute, the opportunities to use mediation to settle are numerous and the best time to settle a dispute is early on. Furthermore, disputing parties' participation in a mediation process significantly enhances an increased understanding of the problem, increases the potential opportunity for healing the relationship and for avoiding the same or a similar problem in the future. We like to refer to this as "future focused".

Despite the many changes in the EEO process over the years, the role of the EEO Counselor has changed little. The EEO Counselor should establish and maintain an open and sympathetic channel through which employees and applicants may raise questions, discuss workplace disputes, and when possible, get a resolution of their concerns. Today's EEO Counselor, while filling a familiar role, must do so with a degree of skill and expertise not required of the original Counselor. Using mediation skills is a large part of the counselor expertise.

MYTH: An Aggrieved Party must sign a mediation agreement for the EEO Counselor to use his/her mediation skills. Nothing could be farther from the truth. In fact, the EEO Counselor should look at each counseling episode as an opportunity to get the disputing parties together to facilitate a discussion and reach a resolution of the issues. The EEO Counselor can facilitate a joint meeting of the disputing parties in person, by tele-conference, or by conference call. The desired outcome is to get the disputing parties together to discuss the concerns and agree to a

resolution. The Counselor uses his/her mediation skills to facilitate the discussion.

Given the fact that the average cost of a contact with an EEO Counselor is approximately \$5,000 and the average cost of a formal complaint is approximately \$80,000 - \$100,000, the importance of the counselor's role cannot be overstated. If 50% of the cases that were counseled did not go formal, well you do the math. No skeptic can argue with the importance of the counselor's role. ■

Office Notes



Join us in welcoming the following employees to the ORM Family.

David Betts joins ORM as the Regional EEO Manager for the Washington Field Office (Mid-Atlantic Operations).

He will be replacing Peggy Joyner who now heads our Quality Assurance Program. Mr. Betts, an Air Force retiree, served as an EEO Director with the Air Force. He has a law degree and is married with three children. Mr. Betts was known as the "supervisor employees loved to work for" while with the Air Force.

Carmen Hoge joins the Deputy Assistant Secretary (DAS) staff as the new Financial Manager for ORM. Ms. Hoge comes to ORM from the Office of Budget at VA Central Office where she served as a Budget Analyst.

Joining the Lyons Field Office (Northeastern Operations) as Investigators are: **Edward Wroblinski, Stephen Orr, Roxanna Zygmund, and Glen Hevy.**

Lovetta Piggi-Oring has been selected as an EEO Assistant (Worker-Trainee) at the Little Rock Field Office (Mid-South Operations).

Sharon Hughes and **Lynn Smith** were selected as Investigators at the Washington, DC Field Office (Mid-Atlantic Operations). **Quincy Alexander** joins the Washington Field Office as a Worker-Trainee.

We would like to take a moment to acknowledge the individuals participating in our Summer Intern Program:

Malcolm Beach, II, a recent graduate of Howard University, has joined the DAS's staff as part of VA's summer intern program through the National Association for Equal Opportunity in Higher Education (NAFEO). NAFEO is an association of Black Colleges and Universities. Malcolm is a native of Washington, DC and comes to ORM after participating in Diversity Management's intern program.

Deric Joyner is a Political Science Major and just completed his freshman year at Morehouse College in Atlanta and is working with the DAS's staff.

Makiya Gantt is a rising freshman at Morgan State University in Baltimore MD where she is studying Political Science. Makiya is working with Information Technology Support (ITS) in Washington, DC. **Tarnisha Chester** is also working with ITS. Tarnisha is an accounting major at Morgan State University in Baltimore.

The Washington Field Office welcomes **Sharie Ware**. Sharie will be going to George Mason University in the fall and majoring in information systems, with a focus in computer graphics/multimedia.

Bay Pines welcomes **Keisha Latimore** and **Taylor Swan**. Keisha is studying Industrial and Labor Relations and has been accepted by Cornell University in New York. Taylor is a senior at Largo High School, Largo, FL.

Little Rock welcomes **Robin Williams**, **Taklia Summons**, and **Katrine Clorid**.

Saying goodbye - **Joan Hanson**, Policy and Compliance Officer, is leaving ORM to take a position as a management analyst with VA's Office of Human Resources Management. **Armenda Daye**, Contract Officer, is leaving ORM to take a position with the Department of Agriculture.

Organizational Climate Assessment Program

The Organizational Climate Assessment Program (OCAP) staff sponsored a three-day training workshop entitled "Conducting Professional Focus Group Research" from June 3, to June 5, 2003. The purpose of the workshop was to train OCAP team members on the proper way to conduct focus groups, analyze data from focus groups, and input focus group data into the final report. The class consisted of 10 employees representing ORM, VHA, VBA, and NCA. **R. LaMont Johnson**, OCAP Manager, and **Rose Chambers** represented ORM. Group Dimensions provided the training. Mr. Johnson said "The focus group training was excellent and will be very useful for future OCAP visits to VA facilities."

Cleveland Field Office/Great Lakes Operations

Thurman Story, Intake Specialist, **Denene Mackie**, Investigator, **Bettye Brown**, and **Sondra Oker**, Counselors, conducted EEO Training at the Ann

Arbor, Michigan VA Medical Center June 17, 18, 19, 2003 for approximately 140 employees.

Washington Field Office/Mid-Atlantic Operations

John Jones, Investigator/Mediator, conducted ADR training at the Assessment and Critical Skills Development Program held in Cincinnati, Ohio on June 23, 2003. John received a *Certificate of Appreciation* from Ms. Janice Stout, Director, Fayetteville, VA Medical Center (VAMC) for training he conducted on "Diversity and Sensitivity in the Workplace" during a joint labor and management training session in Fayetteville May 16 to 17, 2003. He also successfully mediated two disputes at the VAMC in Fayetteville. ■

Did You Know?



NEW VA WEBSITE FOR RESERVIST

The Office of Human Resources Management has developed a new Website for reservists that provides leave and benefit information to employees who either could be or have been activated for military duty, to the families of reservists, and to HR staff. The site provides links to information on civilian

benefits and to the Department of Defense (DoD) Reserve Affairs Website. VA's website is <http://www.va.gov/ohrm/Reservist/>.



TRAVEL REMINDER

Be sure to include a copy of your e-ticket invoice with your request for payment for government travel. The Austin Finance Center will reject your payment request if your e-ticket invoice is not included. Instructions for obtaining the e-ticket invoice were sent, by e-mail, to all ORM employees on June 19, 2003. Contact Barbara Scott, ORM Travel Manager, at (202) 501-2817 for more information.



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