



Department of Veterans Affairs

Office of Resolution Management



Fiscal Year 2001 Annual Report

*Ensuring fairness, integrity, and trust throughout the
discrimination complaint process*

Honor and Serve Our Nation's Veterans By Promoting a Discrimination-Free Environment



Office of Resolution Management

Mission

To provide timely and high quality complaint processing and promote a discrimination-free work environment through education, training, prevention, and early resolution.

Motto

Honor and serve our Nation's Veterans by promoting a discrimination-free environment.

Vision

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. To gain and keep the trust of VA employees and all others touched by our work.

TABLE OF CONTENTS

MESSAGE FROM THE DEPUTY ASSISTANT SECRETARY	4
COMPLAINT PROCESSING ACTIVITY	5
INFORMAL COMPLAINT PROCESS	5
FORMAL COMPLAINTS PROCESS	7
COMPLAINT INVENTORY	9
TIMELINESS OF COMPLAINT PROCESSING	10
RESOURCE ALLOCATION	11
BUDGET	11
SERVICES AND ACTIVITIES	12
EXTERNAL AFFAIRS PROGRAM	12
OFFICE OF POLICY AND COMPLIANCE	12
ROOT CAUSE ANALYSIS REPORT	13
INFORMATION SYSTEMS	14
LEARNING RESOURCES CENTER	14
ALTERNATIVE DISPUTE RESOLUTION (ADR)	16
ORGANIZATIONAL STRUCTURE	17
PROGRAM SUMMARY	18
CLOSING REMARKS	20

MESSAGE FROM THE DEPUTY ASSISTANT SECRETARY



Since joining the Office of Resolution Management (ORM) in January 2001, I believe that we have had an extremely productive year, thanks to our dedicated employees. I am pleased to share with you many of our accomplishments, as well as future initiatives, in our first Annual Report.

This report is not overloaded with statistics, but it will show how ORM serves you — our stakeholders — and VA as a whole. While processing discrimination complaints will remain our number one priority, we will work to help you make the Department of Veterans Affairs (VA) an employer of choice. I believe ORM is in a unique position to offer you expertise in how to prevent complaints, or resolve them at the earliest stage and lowest possible level. If we work together, we assist VA in accomplishing its mission of serving our Nation's Veterans. It is my ultimate goal to have you think of ORM as a highly valued resource in VA's quest to become an employer of choice.

I am committed to supporting and furthering ORM's mission to ***"provide timely and high-quality EEO complaint processing services while fostering a discrimination-free work environment through techniques designed to promote prevention, education, training, and early resolution."*** In July of 2001, we implemented our Integrated Business Plan (IBP), which identifies our objectives and the activities necessary to accomplish them.

We have three main objectives: (1) **improve the overall management of ORM and the discrimination complaint process;** (2) **become a greater resource for the Department in the prevention and early resolution of complaints;** and (3) **recruit and maintain a highly skilled workforce.**

I believe that, after reviewing our Annual Report; you will better understand what we do and the strides we have made in a relatively short time to improve the EEO complaint process in VA.

James S. Jones

COMPLAINT PROCESSING ACTIVITY

Public Law 105 –114 established the Office of Resolution Management (ORM) to provide Equal Employment Opportunity (EEO) discrimination complaint processing services for more than 220,000 VA employees, applicants for employment, and former employees. Complaint processing services offered by ORM include Alternative Dispute Resolution (ADR), counseling, and investigations.

Since ORM opened for business in 1998, the timeliness for processing a complaint and the size of the complaint backlog has decreased significantly. By the end of FY 2001, processing time had declined from an average of **312.5** days to **200** days.

The backlog of complaints pending for over **180** days has almost been eliminated. The link between timely complaint processing and services to veterans is critical. Prompt resolution of complaints reduces the amount of time both employees and management officials are away from their primary responsibility - service to veterans.

In FY 2001, we processed **5,307** counseling events, issued **2,910** procedural reviews, and conducted **1,921** investigations.

A brief description of the discrimination complaint process and the activities in each area during FY 2001 follows:

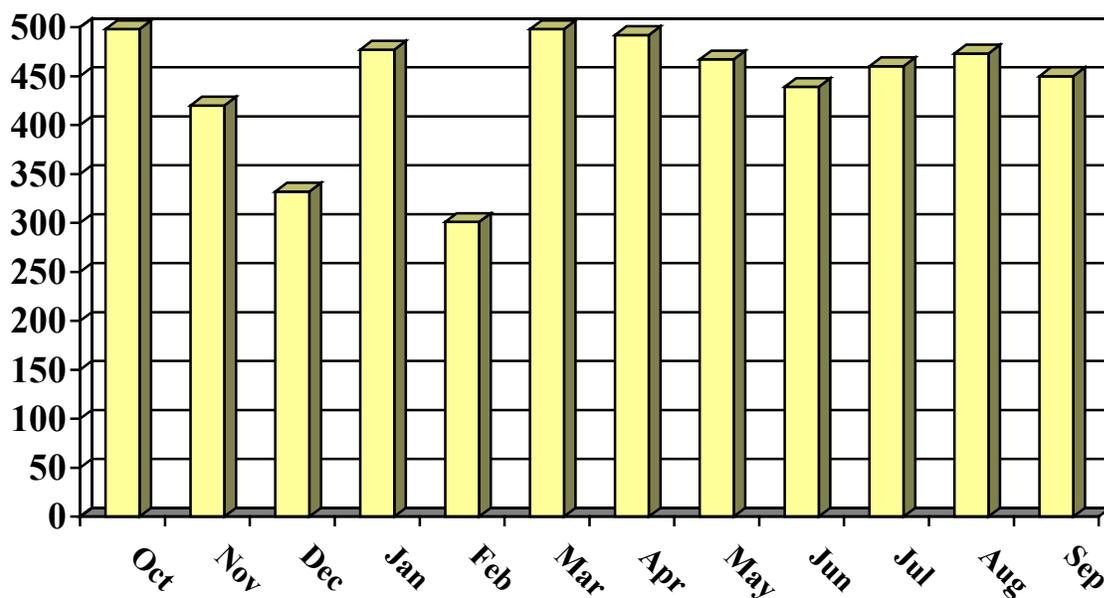
Informal Complaint Process

Before filing a formal complaint of discrimination, aggrieved individuals must first contact an EEO Counselor. Individuals who believe they have been discriminated against must initiate contact with an ORM counselor within **45** days of the date of the alleged act of discrimination. The purpose of the informal process is two-fold: (1) to seek resolution at the lowest level, and (2) to gather enough facts to frame the claims and bases of the potential complaint. During the initial interview, the EEO Counselor informs the aggrieved individual of the facility's Alternative Dispute Resolution (ADR) program. If the facility agrees to mediate, the EEO Counselor offers ADR.

COMPLAINT PROCESSING ACTIVITY

Approximately 60 percent of individuals who contact an EEO Counselor do not file a formal complaint. ORM is committed to assisting the Department in maintaining and improving this outstanding rate.

A total of **5,307** informal (counseling) contacts were made during FY 2001. These contacts remained relatively stable throughout FY 2001, as shown in the following graph:



COMPLAINT PROCESSING ACTIVITY

Formal Complaint Process

If resolution is not reached during the informal stage, the aggrieved individual has the right to file a formal complaint -- in writing -- using VA Form 4939, Complaint of Employment Discrimination. The complainant must sign the form and submit it to a local ORM Field Office within **15** calendar days of receiving the "Notice of Rights to File a Discrimination Complaint."

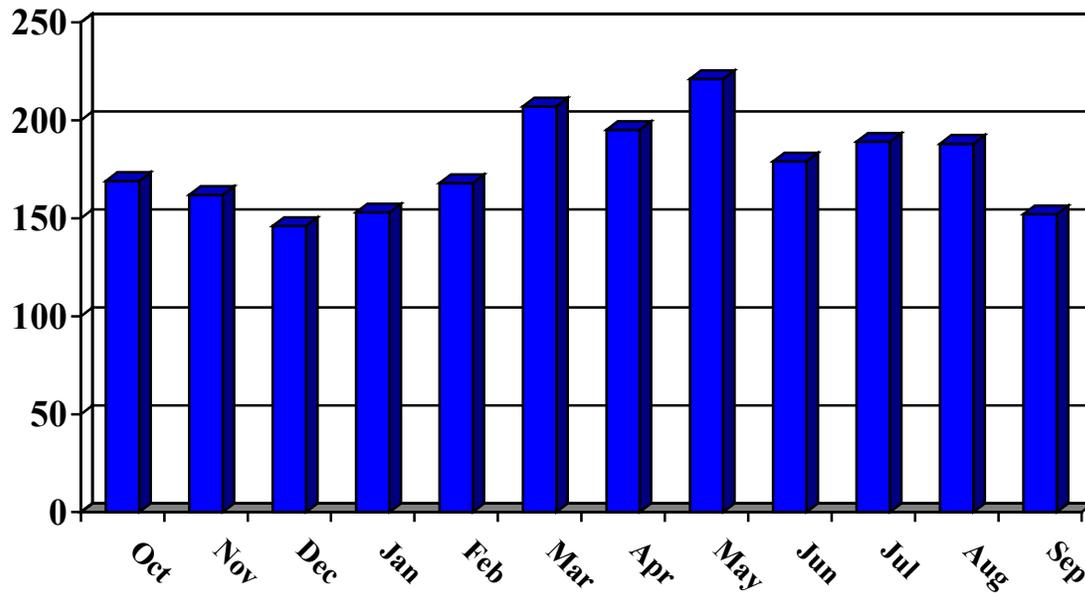
Additional Steps in the Formal Complaint Process are:

- **Procedural Review:** An ORM Intake Specialist reviews the formal complaint to determine whether it meets the procedural requirements for processing. There are three possible outcomes: (1) acceptance, in whole; (2) partial acceptance/partial dismissal; and (3) full dismissal.
- **Investigation:** When a complaint is accepted, it is assigned to an ORM Investigator. The investigator is authorized to take affidavits under oath and collect evidence related to the claims. The investigator then prepares the Report Of Investigation (ROI), which includes the affidavits; documentary evidence; complaint-related documents; a summary; and an analysis. After an ORM Intake Specialist reviews the ROI, it is forwarded to the complainant with a letter outlining further processing rights. The complainant may choose one of the following:
 - Final Agency Decision (FAD) by VA's Office of Employment Discrimination Complaint Adjudication (OEDCA); or
 - a hearing before the Equal Employment Opportunity Commission (EEOC) followed by a FAD by OEDCA.

COMPLAINT PROCESSING ACTIVITY

There were **2,129** formal complaints filed during FY 2001, compared to **2,467** filed in FY 2000.

The number of formal complaints filed each month remained relatively stable throughout FY 2001, as shown below:



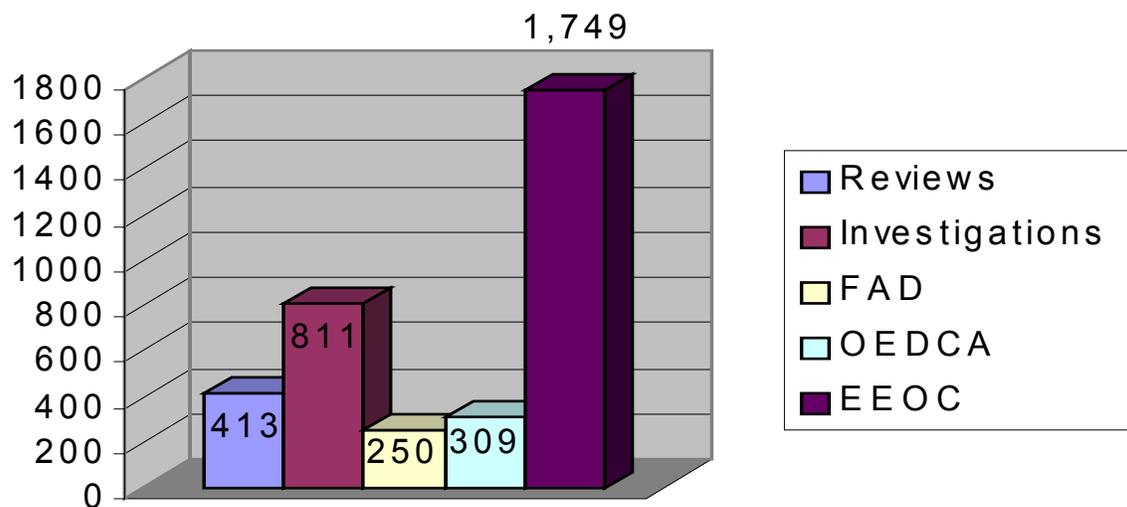
COMPLAINT PROCESSING ACTIVITY

Complaint Inventory

On September 30, 2001, **1,474** complaints were pending, compared to **2,022** complaints pending on September 30, 2000. This represents a reduction of **27 percent**. An additional **2,058** cases were pending with the EEOC and OEDCA.

The following is a breakdown of these cases:

- **413** - Procedural Reviews
- **811** - Investigative Stage
- **250** - Final Agency Decision (FAD) or EEOC Hearing
- **309** - pending a decision by OEDCA
- **1,749** - pending a decision by EEOC



COMPLAINT PROCESSING ACTIVITY

Timeliness of Complaint Processing

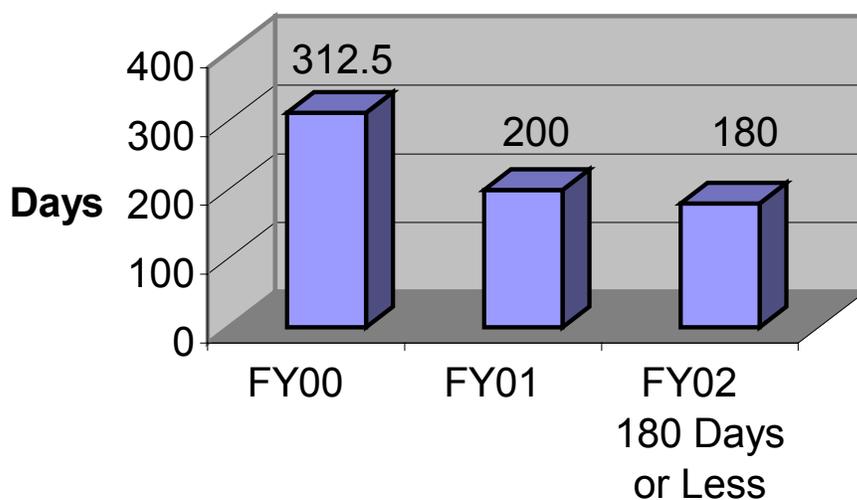
We made great strides in the timeliness of complaints processing, specifically in EEO counseling and investigations.

Since its inception, ORM has completed counseling in less time than the standards set by the EEOC.

When the aggrieved does not elect Alternative Dispute Resolution (ADR), the standard is **30** days to complete counseling. During FY 2001, ORM's average was **24.3** days to complete counseling. When the aggrieved elects ADR, the standard for completing counseling is **90** days. We averaged **44** days in FY 2001, which is **50 percent** better than the EEOC requirement. The average processing time for procedural reviews decreased from **92** days in FY 2000 to **80** days in FY 2001.

We made significant progress toward processing investigations within the EEOC standard of **180** days. We began the year with an average of **312.5** processing days. By September 30, 2001, the average processing time was **200** days, a **36 percent** reduction. ***We are committed to meeting our goal of 180 days or less for completing investigations in FY 2002.***

Complaint Processing Time

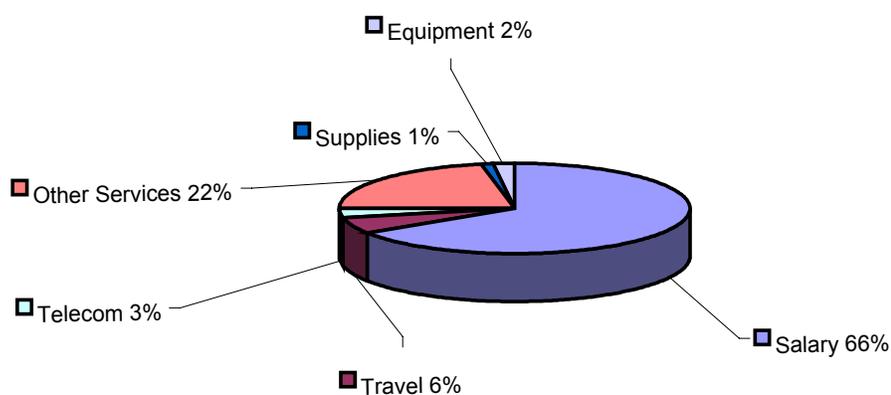


RESOURCE ALLOCATION

Budget

Our FY 2001 budget was \$28 million dollars. We are funded by the three Administrations — (Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA) — and other staff offices based on complaint activity. Each Administration receives quarterly and annual reports that provide a breakdown of the complaints processed by ORM.

The following graph shows the distribution of our FY 2001 expenditures:



SERVICES AND ACTIVITIES

External Affairs Program



ORM has oversight responsibility for VA's External Civil Rights Program. ORM coordinates with the U.S. Department of Justice and the three VA administrations on civil rights issues that involve Federally assisted and conducted programs and activities. The External Civil Rights program involves the administration of Title VI of the Civil Rights Act of 1964, Title IX, Section 504, and the Age Discrimination Act. These civil rights laws prohibit discrimination -- based on race, color, national origin, sex, age, or disability -- in Federal programs.

The External Affairs program includes:

- Public Affairs and Freedom of Information/ Privacy Act activities within ORM.
- Publishing of a quarterly “Discrimination Complaint Processing Update” newsletter. This newsletter, provided information on current issues concerning discrimination complaint activities, and is sent to VA senior managers and facility directors.
- Coordinating the preparation and implementation of VA’s guidance for presidential executive orders involving Title VI issues. Examples are:
 - Executive Order 13160, Non-Discrimination in Federally Conducted Education and Training, which prohibits discrimination in education and training programs conducted by Federal Agencies; and
 - Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” which requires VA to ensure that individuals who are unable to speak or understand English are not barred from participating in VA programs and activities.

Office of Policy and Compliance

The Office of Policy and Compliance (OPC) assists the Deputy Assistant Secretary (DAS) and the Chief Operating Officer (COO) for Resolution Management in formulating and implementing department-wide policies and procedures to ensure the integrity, effectiveness, and fairness of VA’s complaint processing system.

SERVICES AND ACTIVITIES

OPC reviews and prepares final agency decisions of all VA Breach of Settlement Agreement claims. OPC monitors compliance with final orders issued by the Office of Employment Discrimination Complaints Adjudication (OEDCA) and the Equal Employment Opportunity Commission (EEOC). It also conducts age discrimination and compensatory damage investigations; conducts investigations of complex and high-visibility cases; prepares responses to congressional inquiries; issues decisions on claims of dissatisfaction with the EEO process; and prepares reports that identify trends, costs, and potential problem areas related to the complaint process, including:

Root Cause Analysis Report

The quarterly “Root Cause Analysis Report” provides senior VACO officials and field facility directors with information pertaining to issues that are found during the discrimination complaint process that do not appear to be discriminatory in nature.



This report shows some of the possible reasons that individuals file discrimination complaints. It also identifies other issues that clearly are not appropriate to be addressed through the EEO process. Root causes fall into the following categories:

- Unequal or inconsistent application of rules and regulation;
- Rules or regulations that are not established, published, or adequately disseminate;
- Employer versus employee value system;
- Personal problems spilling into the work environment;
- Lack of understanding, appreciation, and awareness of diversity or disabilities; and
- Resources not available or not appropriately utilized.

Changes to this report include:

- Renaming the report “**Preliminary Assessment of the Underlying Causes of Initiating Claims of Discrimination.**”

SERVICES AND ACTIVITIES

- Disseminating, via e-mail, this quarterly report to all VA senior headquarters' officials and directors.
- Providing more detailed information in the new version of the report on the **prevention** and **early resolution** of complaints at VA facilities. To get a copy of this report for your facility, contact your servicing ORM Field Office at 1-888-737-3361.

Information Systems

- The Web Based Tracking System (WBTS) was developed to replace the previous complaint workflow tracking system and increase our complaint processing efficiencies. This system allows faster retrieval and sharing of workload data by ORM and EEO program managers and provides EEO program managers access to discrimination complaint reports regarding their facilities.



Learning Resources Center



The Learning Resources Center (LRC) provides EEO related training and education for ORM and other VA employees; designs and delivers training consistent with EEOC mandates; coordinates mediation training for VA Senior Executives; and trains both VA EEO Program Managers and other management officials in various elements of the EEO process.

LRC designed, developed, and distributed "The Mediation Zone" videotape, which is now used throughout the Department for mediation awareness programs. Another video, "Coaching the Student Mediator," focuses on developmental coaching of new mediators.

LRC is an excellent example of the services we offer other than discrimination complaint processing.

LRC also developed the following:

- Automated "toolboxes" for our core positions to provide forms, letter formats, policies, and legal precedent's that ORM employees need to perform their duties.

SERVICES AND ACTIVITIES

- Training programs to support the Department's Alternative Dispute Resolution (ADR) program.
- One of our very popular courses is, "Executive Mediation Training", conducted by the Justice Center of Atlanta. More than **120** senior VA officials have been trained in basic mediation skills and certified as mediators.
- A "Train the Trainer" course, designed in conjunction with other VA components, to produce trainers who will conduct ADR awareness training throughout the agency.



Training and education are keys to ORM's and the Department's success. In addition to the training our Learning Resources Office provides; our field offices are often called upon by the facilities they serve to provide training on the EEO process. The following are examples of training activities performed by our Field Offices during FY 2001:

- Conducted nationwide training sessions - for VA employees, management and labor union representatives - on the EEO process, ADR, and EEOC regulatory changes;
- Validated EEOC training materials at several VA Medical Centers. Developed a handout to help employees keep abreast of the responsibilities and obligations of both employees and ORM throughout the complaint process; and
- ORM EEO Counselors paired with EEOC Administrative Judges to conduct six joint EEO training sessions throughout the country.

SERVICES AND ACTIVITIES

Alternative Dispute Resolution (ADR)



ORM is committed to the resolution of disputes at the lowest level.

Each ORM field office has a designated Alternative Dispute Resolution (ADR) coordinator, who functions as a resource in the early resolution of complaints. ADR is critical in early resolution. At the beginning of the fiscal year, ADR coordinators established a group to coordinate ADR activities with local field facilities.

ORM worked with EEOC to ensure that VA's ADR program is in full compliance with EEOC regulations. ORM also worked closely with each VA Administration to disseminate information on the implementing ADR programs.

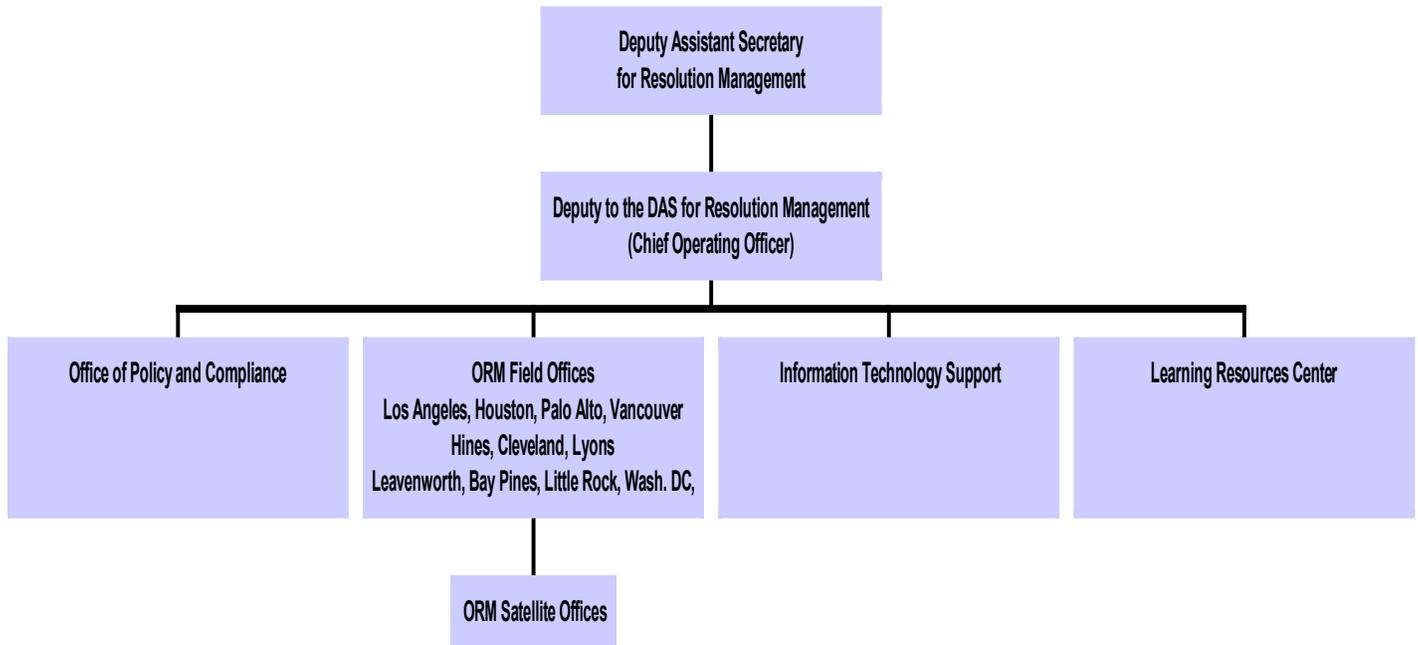
We will be revising our ADR plan based on comments from EEOC during FY 2002. Several ORM offices worked closely with VA facility EEO Program Managers to address important ADR issues: identifying a means for incorporating ADR into the complaint process at local facilities, determining the appropriateness of complaints for mediation, and identifying resources for locating mediators.

ORGANIZATIONAL STRUCTURE

ORM has **11** field offices and **12** satellite offices located throughout the U.S. in addition to its headquarters and support offices. The field and satellite offices process all EEO complaints filed by VA employees, former employees, and applicants for employment.

ORM had 265 employees at the end of FY 2001. There are three core positions that work directly with complainants:

- Investigators
- Counselors
- Intake Specialists



PROGRAM SUMMARY

Our most prominent role is processing EEO complaints of discrimination. However, **prevention and early intervention or resolution** are essential in creating a discrimination-free work environment.

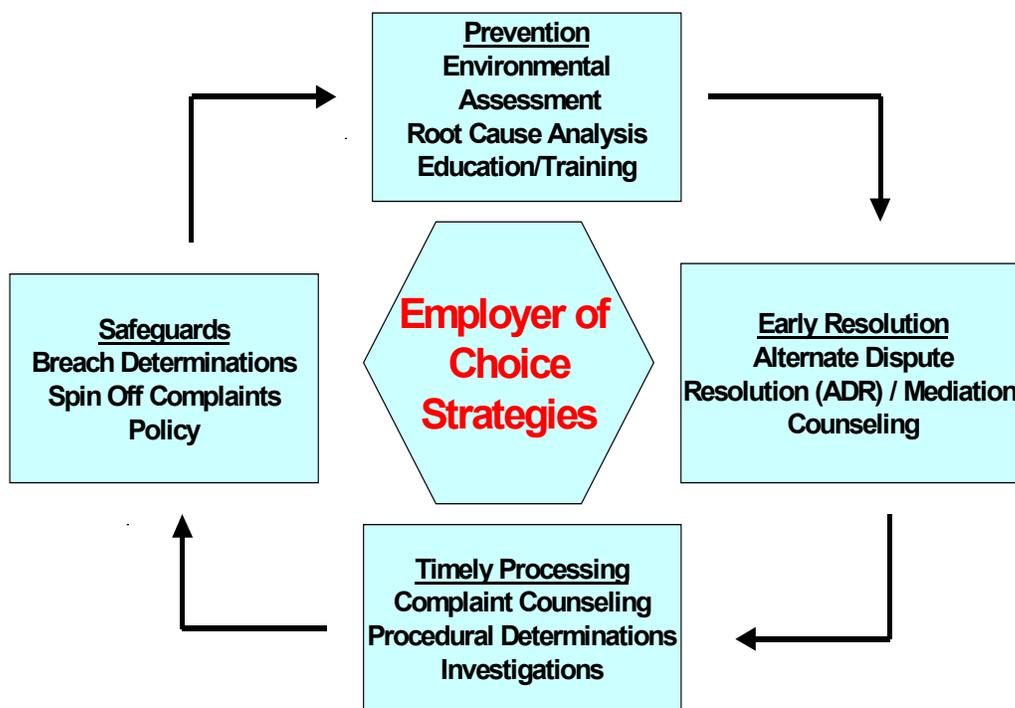
In the prevention of discrimination we employ a variety of tools: education and training, facility environmental assessments, and the use of root cause analysis.

We have developed several mechanisms for the early resolution of work place discrimination complaints and other work place disputes. Informal counseling is the first step in VA's EEO complaint process and is often effective in helping resolve issues before they become formal complaints. Mediation is the preferred ADR method and is offered at each stage of the complaint process. Trained mediators are available to assist in resolving workplace disputes. Each mechanism is a structured process that permits the involved parties to discuss and, hopefully, resolve the issue.

When an issue or dispute goes beyond prevention and early resolution, the next step is **timely complaint processing**. Employees expect, and should receive, the earliest possible resolution of their complaints. Timely and effective complaint processing reduces the time employees and managers spend involved in the complaint process and permits everyone involved to refocus on the job at hand -- providing services to veterans.

ORM has developed an operational model that incorporates the core strategies needed to create an “**Employer of Choice Environment.**” These core strategies are **Prevention, Early Intervention or Resolution, Timely Processing, and Safeguards.**

OPERATIONAL MODEL



ORM uses these core strategies to help VA become an "Employer of Choice."

CLOSING REMARKS

Thank you for taking the time to review our first Annual Report. I hope the report provides you with a better understanding of the value and importance of the services ORM provides to the Department of Veterans Affairs. With your continued help and support we will **provide timely and high quality complaint processing and promote a discrimination-free work environment through education, training, prevention, and early resolution.**

VA can become an employer of choice if we strive to create a discrimination-free environment. We can do this by focusing on creating a workplace where employees are appreciated, respected, treated fairly, and valued. When complaints arise, they should be processed fairly, quickly, and thoroughly. ORM has the tools and experience needed to help VA reach this goal. We owe it to the veterans we serve to ensure that VA is a place where **"discrimination is not tolerated and where everyone is given the opportunity to reach their full potential."**

I welcome your comments.

James S. Jones
Deputy Assistant Secretary
for Resolution Management