

**DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT**

ROOT CAUSE:

Preliminary Assessment of the Underlying Cause



for Initiating Discrimination Complaints

**Digest
1st & 2nd Quarters**

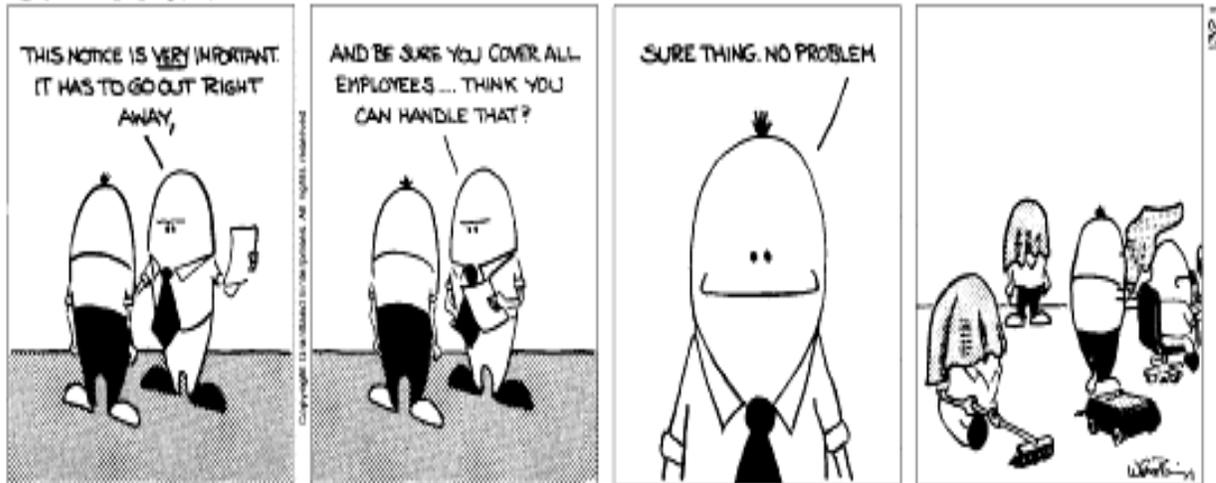
Fiscal Year 2003

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**Is your message as clear as you think it is;
is it understood as you intended it???**

GRANTLAND®



Is this really what the manager meant???

or

**would the message have been clearer, if he had said,
“this notice is very important, please distribute it to all
employees right away.”**

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Root Cause: Preliminary Assessment of the Underlying Cause For Initiating Discrimination Complaints



FROM THE DEPUTY ASSISTANT SECRETARY

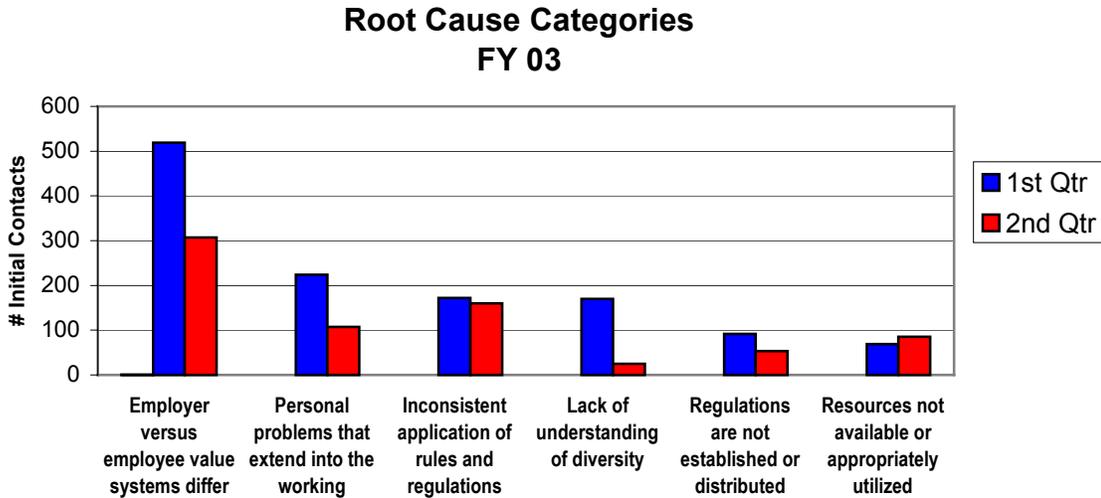
The Office of Resolution Management (ORM) is mandated by Public Law 105-114 to provide timely and fair processing of Equal Employment Opportunity (EEO) complaints of employment discrimination. To do that and support the Department of Veterans Affairs' (VA) employer of choice goal, ORM developed the Root Cause Analysis (RCA) Report. This report is designed to capture the possible root causes or underlying reasons why, when faced with adversity, employees initiate EEO complaints that in many cases upon review clearly were not appropriate for addressing through the EEO process. The RCA is generated each quarter and is available on the World Wide Web at: <http://vaww.va.gov/orm/>.

The following six root cause categories represent the underlying reasons identified by ORM for initiating complaints of employment discrimination within VA.

- ❑ **Employer Versus Employee Value Systems**
- ❑ **Inconsistent and/or Unequal Application of Rules and Regulations**
- ❑ **Lack of Understanding/Appreciation/Awareness of Diversity and Language/Disability**
- ❑ **Personal Problems, Which Can Spill Over Into the Working Environment**
- ❑ **Rules and/or Regulations are not Established, Published, or Adequately Disseminated Opening Up to Many Interpretations**
- ❑ **Resources to Accomplish Desired Results are not Available or not Appropriately Utilized**

During the first and second quarters of Fiscal Year 2003 (FY 03), approximately 2,100 individuals contacted an EEO counselor. Of the 2,100 contacts initiated, the root cause category Employer versus Employee Value Systems: Conflicting Work Ethics was identified 41% of the time as the main reason for the initiation. This is consistent with the trends established in FY 02. Therefore, it stands to reason that the significance of understanding one's values and their impact on the working environment could prove to be beneficial to the reduction of workplace conflicts and improving the work environment.

The following chart shows the breakdown of the primary root cause categories for the 1st and 2nd quarters of FY 03. The difference reflected in like categories equates to the number of contacts initiated each quarter. However, root cause categories of Employer Versus Employee Value Systems; Inconsistent and/or Unequal Application Of Rules And Regulations, and Personal Problems, Which Can Spill Over Into the Working Environment continue to be the most frequently identified root or underlying causes.



ORM's EEO specialists, as well as our Organizational Climate Assessment Program, are available to assist you in achieving VA's goal of being an employer of choice. I look forward to working with you towards this important endeavor, as our goal is to provide you information and assistance with other tools, which will enable you to intercede as situations occur.



***“If the only tool you have is a hammer
you tend to see every problem as a nail”***

-Abraham Maslow

James S. Jones

We have included the following root cause scenarios to demonstrate the kinds of situations that occur in the workplace that could possibly be resolved outside of the EEO Discrimination Complaint Process. The following scenarios, along with a brief analysis, provide potential preventive measures to show management ways to possibly alleviate some of the workplace conflicts.

Scenarios

Employer versus Employee Value Systems

Complainant's Perspective: The complainant felt discriminated against and harassed based on his race when his leave request of May 8, 2002, for May 24, 2002, was disapproved. He contends that he became ill and was out from May 8, 2002 to May 25, 2002. Complainant states that he obtained two doctor's statements; one for each week he was out. Upon his return, he gave the statements to the RMO. He was then advised, by the RMO, that he was placed on AWOL for the second week he was out, because his doctor's statement for that week was insufficient. Complainant provides that he was given a proposed suspension letter and was suspended in November 2002. Complainant feels the RMO thinks he is lazy and consistently disrespects him.

RMO's Perspective: The RMO stated that he advised the complainant that his leave request for May 24, 2002, could not be approved because he had already approved two other employees for the same day. The RMO said that the complainant became upset and spoke to him inappropriately, while at the same time indicating that he was not feeling well and needed to leave for the day. The RMO contends he reminded the complainant that he was scheduled to see a patient. The complainant replied that the RMO should take care of it and then he left. The RMO stated that the complainant's refusal to see his patient put the patient's health in jeopardy. The RMO remarked that the complainant is not dedicated. Due to this incident, the RMO immediately submitted a request for disciplinary action to upper management.

Analysis: The RMO stated his decision to disapprove the complainant's leave was based on staff shortage and his concern for the care of the patients. On the other hand, the complainant believes he was denied leave and suspended because the RMO sees him as being lazy.

Potential Preventative Measures:

Ensure there is a leave policy in place and that the procedures are clear. When distributed, ensure policy is signed by all employees to acknowledge the guidance was read and understood. This should lead to a greater understanding and acceptance of the process.

Inconsistent and Unequal Application of the Rules and Regulations

Complainant's Perspective: The complainant felt discriminated against based on his sex when he was not selected for a Housekeeping Aid position. He worked in this position for two years before resigning because he did not get along with his supervisor. He reapplied for this position and was interviewed, but not selected. The complainant contends that during his interview, he was asked by this same supervisor, if he still had a problem working with individuals having an alternative lifestyle (gay men and lesbian women). The complainant stated that although he had told this supervisor when he worked for him that he would not clean the offices of two women he assumed were lesbians, he should not have been asked this question again.

RMO's Perspective: The RMO stated that he asked the complainant the question again because the Medical Center services a diverse patient and employee population.

The person selected should be able to work with a diverse group of people. The RMO stated that the complainant had worked at the Medical Center in the past and during this time; he had several problems with patients, as well as co-workers. He was counseled several times, admonished, written up, suspended, and finally issued a last chance agreement. The complainant resigned in lieu of being fired.

Analysis: The complainant felt management asked him an unacceptable question. The manager felt this was an appropriate question considering what he knew of the complainant's perspective on alternative lifestyles and the requirements of the position.

Potential Preventive Measures:

Ensure only questions that are job related and appropriate to job performance are asked. Make sure each applicant is asked the same questions. This may eliminate the possibility of discrepancies. Applicants can be told before the interview they will all be asked the same set of job related questions. In addition, applicants can be informed that VA will not condone discrimination.

Personal Problems, Which Can Spill Over into the Working Environment

Complainant's Perspective: The complainant felt discriminated against based upon his race and reprisal because he participated in an EEO investigation. He claims that in 1998, the RMO contacted the

Human Resources Office to initiate a Federal background investigation on him. The investigation revealed that he was on probation. The complainant states that the RMO contacted his probation officer to find out if he had violated his probation. As a result, he was incarcerated for two months. The complainant feels that this has severely and permanently damaged his career; because when he applies for positions he is never selected. The complainant contends the RMO destroyed his reputation.

RMO's Perspective: The RMO stated that he is not responsible for the complainant's situation; that if anyone ruined the complainant's reputation, it was the complainant himself by being in violation of his parole. The RMO further stated that, regardless of the complainant's background, if the complainant had applied for any position, in which he was the best qualified, he would not have hesitated to hire him.

Analysis: The RMO stated he did what he felt was appropriate as part of the hiring process by conducting the investigation. It seems the complainant believes his incarceration and the knowledge of it has damaged his career and reputation; he seems to blame the RMO for his situation. He does not appear to accept that his prior actions or inactions could be the root of his problems.

Potential Preventative Measures:

If there is no procedure in place that fully informs the applicant of the possibility that they can or will be investigated, it is recommend that one be established.

Experience has shown us that how something is done is often more important than what is done!

Root Cause Categories Definitions

- **Employer versus Employee Value Systems:** This category reflects how individuals view and approach situations/issues, which in turn impacts on how and why they make the decisions about that particular situation. This category is mostly revealed through the conflicting personal values or work ethics.
- **Inconsistent and/or Unequal Application of Rules and Regulations:** This category applies when the policies set forth by Services or Departments invoke varying responses to like situations, which leads to the perception of discrimination.
- **Lack of Understanding/Appreciation/Awareness of Diversity and Language/Disability:** This category applies to communication barriers that may exist among individuals because of their different ethnicities, varying cultures, and disabilities.
- **Personal Problems, Which Can Spill Over Into the Work Environment:** This category applies to individuals faced with difficult personal issues and unable to be fully productive at work. This impact may spill over to the other members of the staff and the services may suffer, when others are called upon to do the work of the individual with the problem.
- **Rules and/or Regulations are not Established, Published, or Adequately Disseminated Opening Up To Many Interpretations:** This category leads to misunderstandings for lack of clear guidance, which invites confusion.
- **Resources to Accomplish Desired Results are not Available or not Appropriately Utilized:** This category applies to the use or misuse of resources, such as, Human, Financial, Organizational, and Technical resources, disparagingly and preferentially.