



Discrimination Complaint Processing Update

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

From the Deputy Assistant Secretary

Summer 2004



Tools You Can Use

ORM has developed a philosophy and tools to help improve workplace environments and decrease EEO complaints by addressing the root causes of complaints.

Our philosophy for addressing complaints and other workplace disputes is:

- Create Employer-of-Choice environments.
- Prevention is the first step – eliminate the causes.
- Emphasize early intervention, resolution and communication.
- Encourage Alternative Dispute Resolution (ADR).

We can help you: (1) prevent complaints by creating environments where employees do not feel the need to file complaints through our environmental climate assessment program and employee training; (2) help the aggrieved and responding management official resolve their difficulties as soon as possible using mediation as part of their dispute resolution efforts.

We encourage you, as we have in the past, to consider using these tools in your efforts to improve your workplace environments by preventing complaints and to become familiar with mechanisms to address complaints when they arise.

Prevention Tools

The Organizational Climate Assessment Program (OCAP) was developed to enable us to obtain feedback from employees and supervisors on how they perceive their workplace environments.

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We do this through:

- **On-line surveys available to facility employees.**
- **Interviews with facility management.**
- **Interviews with union representatives.**
- **Interviews with facility human resources and EEO professionals.**
- **Ten to twelve employee focus group meetings (lead by trained moderators).**
- **Comprehensive reports detailing our findings that include recommendations on ways to address issues that negatively affect the workplace are presented to facility management.**
- **We then work with facility management to develop programs and strategies to improve the workplace environment with the aim of preventing complaints based upon the findings of the assessment.**

ORM collects data that includes identifying the underlying causes of complaints and actual complaint activity at the organizational and facility level. We analyze and share the findings of our analysis with managers through our quarterly Discrimination Processing Update newsletter and Root Cause Analysis Reports to the three administrations.

We also provide semi-annual complaint trend data that enables VA organizations and facilities to compare complaint activity, identify any trends in the types and number of complaints, and devise mechanisms to address these issues.

Tools for Resolving Complaints at the Lowest Level

Mediation, VA's preferred method of ADR, is cost-effective, timely, and improves communication. ORM has spearheaded a VA national level ADR awareness program in conjunction with the Secretary's mandate that 80% of all VA employees be trained on mediation by the end of fiscal year 2004. We offer mediation at the counseling, intake, and investigation stages of the EEO complaint process, provide trained mediators to VA facilities and mediation training to senior VA executives, management and union officials.

Our goal in offering these tools to you is to help create an *Employer of Choice* environment in VA through the use of our value-added services.

James S. Jones

Program Highlights

Written Affidavit Investigations

ORM recently announced to VA management changes to how we process and categorize investigations.

These changes include a new investigative methodology, Written Affidavit Investigations (WAI), as well as a triage process to categorize complaints.

WAI allows expedited completion of investigations for non-complex complaints and has been developed in accordance with Equal Employment Opportunity Management Directive (EEO MD-110) and 29 CFR 1614. It is being used in addition to standard complaint investigation methodologies.

WAI provides investigators with another investigative methodology that may require fewer resources while still developing adequate factual records from which a determination of whether discrimination occurred can be made.

The goal of WAI and triaging complaints is to improve the processing time of complaints.

For more information, contact your ORM Regional Field Office. ■

New EEO Manager for ORM Western Operations

Monte Montesanto has been selected as the EEO Regional Manager for Western Operations, and assumed this position effective June 28, 2004. Mr. Montesanto, who comes to ORM from the Department of Homeland Security where he worked as a Management Analyst and Special Assistant, has many years of EEO experience and holds a degree in Finance from National University.

EEOC MEETS WITH ORM TO DISCUSS VA'S SUCCESS IN PROCESSING EEO COMPLAINTS

On June 28, 2004, Kathleen Eram of the Equal Employment Opportunity Commission (EEOC) met with Alison Mangels, Executive Assistant to the Chief Operating Officer for ORM, to discuss VA's success in several complaint processing areas. Ms. Eram is interviewing federal agencies that have shown success in processing EEO complaints. She will be compiling this information and issuing a best practices report that she hopes will be published in October 2004.

During this meeting Ms. Eram stated that EEOC was impressed with VA's fiscal year 2003 processing time of 89 days to complete procedural decisions. Ms. Mangels informed Ms. Eram that our goal for procedural decisions is 45 days and that our current average processing time is 52 days. Ms. Eram was very impressed with our internal deadline of 45 days and our overall process for completing procedural decisions.

Ms. Eram also commented on VA's FY 2003 average processing time of 233 days for investigations and noted that with VA's high volume of complaints, 233 days is very good. She inquired as to how we were able to maintain the strong average. We attributed our success in both procedural decisions and investigations to our structure of full time investigators and intake specialists located in field offices throughout the country.

They discussed our new investigative initiative of triaging cases. Ms. Eram was very pleased to hear we were looking at our process. As a former EEOC administrative judge, she commented that she often received voluminous complaint files and that this process would reduce the size of case files in many instances. She is very supportive of the triage process and will share with us documents she has developed for certain types of cases that may assist us in this process.

The final topic discussed was our complaint Web Based Tracking System, how it allows us to track nationally the progress of each office and to know where all cases are in the process at any given time.

This meeting ended on a positive note and highlights the cooperative relationship ORM has established with EEOC. ■

ORM Ombudsman Program

By LaMont Johnson, ORM Ombudsman

James S. Jones, Deputy Assistant Secretary for Resolution Management, announced ORM's Ombudsman Program on June 9, 2004. The Ombudsman Program is designed to assist ORM employees in addressing internal workplace issues that effect how they perform their duties and it provides an alternative to the traditional grievance and EEO complaint processes.

ORM's organizational Ombudsman is a designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to all ORM employees. The Ombudsman acts as a source of information and referral, aids in answering employees' questions, and assists in the resolution of employee conflicts, concerns and other issues related to the workplace. The ORM Ombudsman is not an advocate for either the employee or ORM management.



For more information on this program, contact LaMont Johnson, ORM Ombudsman, at (202) 501-2925 or by e-mail. ■

How to Prevent Unlawful Discrimination

To prevent unlawful discrimination and retaliation:

- ❑ Train all employees, including managers and supervisors on what constitutes unlawful discrimination/reprisals, the types of disciplinary actions that may be taken, and effective communication skills.
- ❑ Evaluate managers and supervisors on efforts to ensure equality of opportunity for all employees.
- ❑ Agencies should ensure that managers and supervisors have and utilize effective managerial and supervisory skills.

Source: EEOC

ORM FY 2004 Complaint Processing Update



For the period October 1, 2003 to June 30, 2004:

- ❑ ORM received 3,191 informal contacts, with a projected total of 4,255 by the end of FY 04.
- ❑ One Thousand Six Hundred Eighteen (1618) formal complaints have been filed. We project a total of 2,157 by the end of FY 04.
- ❑ Average processing time for investigations of un-amended cases is 232 days (the standard is 180 days).
- ❑ Average processing time for investigations of amended cases is 255.9 days (the standard is 360 days).
- ❑ Average time to complete Procedural Reviews is 52 days.
- ❑ Average time to counsel without ADR is 29.8 days.
- ❑ Average time for counseling with ADR is 70 days.

Did You Know?

Cost of Investigations

■ ORM = \$6,500 (Counseling, Intake and Investigation)

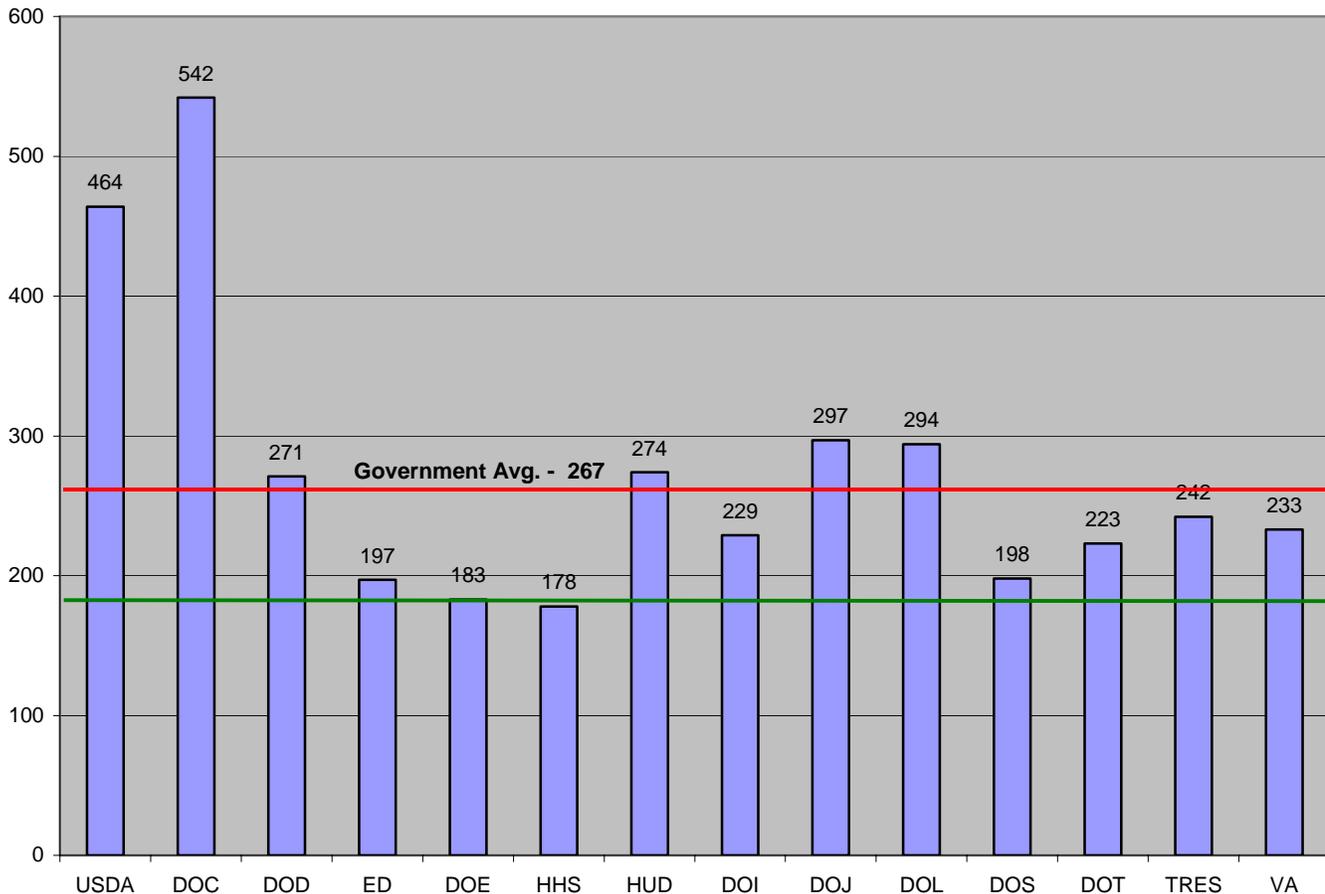
■ Agency = \$30,000 - \$70,000

Source: ORM

FY 2003 Investigation Processing Timeliness Snapshot

The chart below gives a snapshot of cabinet-level agency EEO investigation timeliness for fiscal year (FY) 2003. The EEOC standard for completing investigations is 180 days. Federal agencies averaged 267 days for completion of investigations in FY 2003. VA averaged 233 days during the same period. ORM's goal for FY 2004 is to average 180 days or less for investigations. We have initiated a number of initiatives to enable us to accomplish this goal.

Investigative Time



Note: Red represents government average of 267 days during FY 2003.
Green represents EEOC 180 day standard for completing investigations.
Source: EEOC "Annual Report on the Federal Workforce Fiscal Year 2003."



Uncle Sam Wants You!

To:

“Get a Leg Up on Complaints”

“Cut Complaints Down to Size”

“Put Complaints on a Diet”

How?

The Office of Resolution Management (ORM) has programs to help you:

- ❑ Learn about the causes and trends of complaints.
(Root Cause and Trend Analysis)
- ❑ Learn about resolving complaints sooner.
(Alternative Dispute Resolution)
- ❑ Learn about improving work place environments.
(Organizational Climate Assessment Program (OCAP) & EEO Training Programs)

To find out more, visit our web site www.va.gov/orm.



40th Anniversary of the Civil Rights Act of 1964 and Title VII



President Lyndon B. Johnson signs the Civil Rights Act of 1964, July 2, 1964
Photo courtesy EEOC

July 2, 2004, marked the 40th anniversary of the signing of the Civil Rights Act of 1964 and Title VI. Title VII prohibits discrimination in employment on the bases of race, color, national origin, religion, and sex.

Discrimination Complaint Processing Update is a quarterly publication of the Office of Resolution Management. Contact Terry Washington, External Affairs Program, by e-mail or by calling (202) 501-2800 concerning the contents of this newsletter. Additional information on ORM services and programs is available at <http://www.va.gov/orm>.