

# **NO RESOURCES? NO PROBLEM! SMALL AGENCIES SHARE THEIR BEST PRACTICES**

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EXCEL Conference

San Diego, CA

August 12, 2014

1:30 – 3:00 pm

# Welcome!

- Speakers:
  - Jerry Beat, US Merit Systems Protection Board
  - Kelly Goode, National Gallery of Art
  - Karen Margensey, Pension Benefit Guaranty Corporation



# Objectives of the Session

- Share information about creating and sustaining a model EEO program with limited resources.
- Learn to engage employees through events that generate real discussions about tough issues like glass ceilings and work-life balance.
- Understand challenges in case processing.
- Incorporate diversity and inclusion into agency programs and practices.
- Explore how to build internal networks and leverage them to accomplish EEO program goals.
- Grow external networks to help manage your program.

# State of Current Environment (or Doing More and More with Less and Less)

- Budgets are tight and have been reduced.
- Overall Agency staffing levels diminished with increased workloads.
- EEO is the Agency's budget opportunity target, like training programs.
- EEO offices frequently understaffed or staffed with untrained employees at all grade levels.
- EEOC, OPM, OMB and the White House expect more under MD 715 and various Executive Orders (e.g., D&I Initiative).

# Ideas and Leading Practices that Work!

- Special Emphasis Programs and Commemorative Events
- Training
- Case Processing
- Alternative Dispute Resolution
- Reasonable Accommodations
- MD 715
- Diversity and Inclusion
- Networking
- Recharging

# Special Emphasis Programming/Commemorative Events

- Create successful commemorative/awareness events that engage employees and spur real discussions about real issues.
- Keep focus on quality and content, creating a safe space to communicate and share, not only high attendance numbers!
- Find Low/No Cost speakers and activities.
- Skip the food!
- Ask your staff for ideas and suggestions.
  - Affinity groups
  - Employee resource groups

# Special Emphasis Programming/ Commemorative Event Planning – MSPB

- Organize lunchtime book /article discussion groups (Examples: *The Lone Ranger and Tonto Fist Fight In Heaven*, *Esperanza Rising*, David Zirin's the Edge of Sports Blog and Book, *Game Over*).
- Use video-clips to prompt discussions (Examples: PBS' Newshour's Lean-in Panel, the New Mexico Poetry Slam video clips, the Washington Post's *Tongues Untied* series).
- Experiment with other well known vehicles for discussing EEO/Diversity/inclusion issues, such as Michele Norris' *The Race Card Project* and TED Talk video clips (MSPB: TED Talk Lunchtime Lounge).

## Low/No Cost Special Emphasis Programming/ Commemorative Event Planning – MSPB

- Invite agency employees to share or deliver brief presentations about their unique and interesting experiences on topics relating to diversity/inclusion (Example, MSPB's *Employee Voices* series).
- Create an internal blog relating to EEO/Diversity and Inclusion topics and invite employees to respond and participate on-line.
- Combine a commemorative event/awareness activity with a CFC activity.
- Ask individual offices to take the lead on a particular month's commemorative event program.
- Organize lunchtime field trips to local museums or places of historic interest that are in close proximity to the worksite.

# Low/No Cost Special Emphasis Programs

## – NGA

- Non-profits, mission-related organizations will speak on variety of topics at no cost.
  - WIFLE spoke about programs and mentoring for women and men interested in federal law enforcement careers for Women's History Month.
- Staff contributions
  - Gallery photographer and his wife shared their story and photos of a trip to China to visit her relatives for the first time in decades for Asian Pacific American Heritage Month.
- DIY
  - Lunchtime workshop on recent articles/videos about power posing and gender judo for Women's History Month.
- Organize tours to organizations with similar missions (cultural arts and education) – Smithsonian museums, special tours.

# Low/No Cost Training Resources

- Outreach trainings – short, sweet, free!
  - EEOC (MD 715) – free and well-received
  - OFO Directors' Meeting Presenters
  - FMCS
  - OPM's Diversity and Inclusion Office
- Federal EEO Trainers (EEOC offices with AJs & staff)
- Ask your colleagues to trade trainings with you
  - Ask the Small Agency Council EEO/D&I Committee for recommendations.
- Technology (webinar platforms) to deliver trainings to remote locations (OPM D&I training archives)
- Private sector companies will offer trainings
  - Case Study – PBGC

# Case Processing

- Case Processing challenges:
  - Delays in receiving EEO counselor reports.
  - Needing clarification of claims in complaint or status of complainant to file (e.g., contractors).
  - Involvement of Agency counsel.
- Case Processing solutions:
  - After initial interview, encourage collateral duty EEO counselor to clarify claims and status of complainant before next interviews.
  - Document delays caused by complainants or others.
  - Pick up the phone and call EEOC, other EEO practitioners.
  - Document actions of Agency counsel and include in ROI and administrative file.

# Case Processing – Conflict Cases

- Recognize a conflict when it happens:
  - You have been involved in the events.
  - A subordinate or a superior is involved.
- When you are named as the RMO, be a role model!
- Legal sufficiency reviews – get them from a neutral.
- Know your resources for assistance.
- Follow your agencies policies about MOUs and interagency agreements to allow other agencies to process a conflict case.
  - Case Studies – PBGC, NGA, BBG

# Case Processing – Procurement

- Procurement Challenges:
  - Timely processing
  - Procurement delays
- Procurement Solutions:
  - Remind procurement offices of regulatory deadlines.
  - Explore options for procurement of EEO services, such as IDIQ.
  - Explore vendors for EEO services via GSA schedule.
  - Don't be afraid to closely supervise the contract counselor or investigator.
  - Work with your procurement office if there are serious problems with services provided by the contractor.

# ADR

- Overcome reluctance to participate by exploring reasons parties declining ADR.
  - NOAA case study
- Debrief parties after ADR to find out what worked well and what didn't.
- Explore ADR options besides mediation:
  - Facilitation, fact finding
- Train EEO counselors and other key staff in conflict resolution skills (mediation and facilitation).
- Train all staff in basic and intermediary conflict resolution skills.
  - FMCS
  - Conflict Dynamics Profile

# Reasonable Accommodations

- Utilize free resources:
  - CAP at DOD
    - Computer related devices, software and hardware
    - Training videos
    - Free ergonomic assessments (up to 5 evaluations)
  - USDA Target Center
    - Technology, devices, furniture
    - Will often loan products for short trial periods
  - Job Accommodation Network
    - Advice and guidance through JAN counselors
    - Searchable database of accommodation solutions
    - Identification of products and vendors for different accommodation
  - DOJ, OPM and EEOC websites and staff
- Train managers and supervisors to overcome obstacles.

# MD 715 – Creating a Model EEO Program

- Include newly protected classes – LGBT.
- Frame the message around MD 715 for appropriate agency staff.
- Be careful with statistics and inferences drawn if you don't have the numbers.
- Take highlights directly to managers and engage them in discussions about hiring goals, recruitment methods, and promotion potential.

# Diversity & Inclusion

- Focus strategically and holistically on agency culture and population.
- Define what D&I means for your agency.
- Get robust participation by involving agency leaders.
- Build a sense of purpose:
  - Generational changes in workforce
  - Need to be competitive
  - Build the business case
- Use Employee Viewpoint Survey results on D&I questions and drill down.
- Incorporate D&I into performance standards.
- Use OPM's D&I videos on YouTube.

# Networking – Inside Your Agency

- Use agency staff:
  - Collateral duty EEO counselors
  - Employee resource groups
  - Panels or as speakers
- Do outreach to internal stakeholders:
  - Union
  - Leadership/Managers/Supervisors
  - OGC
  - HR
  - Affinity groups
- Befriend your agency budget and procurement staff.
- Find out what IT has available for technology support.
- Attend your agency's other training events – support them and they support you.

# Networking – Inside Your Agency

- Case study NGA: Using a “grassroots” approach to build support for accessibility.
  - Identified need, objectives, and goal
  - Identified and educated key staff
  - Remained tenacious and patient
  - Found money within NGA to support
  - Related objectives and goals to NGA mission
- Case study PBGC: Leverage your resources and networks to accomplish EEO program goals.

# Networking – Outside Your Agency

- Share training resources:
  - Counselor refresher/initial trainings, supervisory training, ADR
- Share complaint processing tips.
- Partner with Shared Neutrals at HHS, CAP and USDA TARGET Center.
- Attend other agency's training events – support them and they support you.
- Offer to support other department's initiatives (strategic planning, HCO).

# Recharge and Stay Engaged

- Touch base with colleagues.
- Attend conferences.
- Volunteer to help a new EEO director.
- Get a new perspective on your issue(s).
- Stay current in your discipline and do not neglect your own professional development.
- Get involved with the organizations that serve EEO/D&I practitioners.
  - Affinity groups: BIG, FEW, FAPAC, FEDQ, etc.
  - Federal EEO & Civil Rights Council
  - Small Agency Council EEO/D&I Committee

# Need Support?

- Your EEOC and OPM agency representatives
  - EEOC Office of Federal Operations, Federal Sector Programs
- EEOC District and Field Offices
  - Outreach Coordinators and Hearings Units
- Interagency Groups (Southwest, Federal Triangle)
- Federal EEO and Civil Rights Council
- Small Agency Council EEO/D&I Committee
- Employee Viewpoint Survey
  - Use data to reinforce/promote areas of opportunity
  - Agency-wide data of what's important to employees
  - Offers good comparison to other agencies on different levels
  - Highlights advances by agencies (find contacts in areas you need)
- Federal Mediation and Conciliation Service

# Contact Information

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