

# **Report to Congress**

**Final Report – April 30, 1999**

## **Assessment of the EEO Complaint Resolution System in the Department of Veterans Affairs**



**BOOZ·ALLEN & HAMILTON**

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## Table of Contents

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<b>1. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>2. OVERVIEW .....</b>	<b>17</b>
2.1 Background .....	17
2.2 Objectives and Scope .....	21
2.3 Methodology .....	25
2.4 Overview of VA’s New EEO Complaint Resolution System (CRS).....	31
2.5 Organization of this Report.....	35
<b>3. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS .....</b>	<b>37</b>
3.1 Summary Assessment of the CRS.....	37
3.1.1 Summary Conclusions .....	37
3.2 Key Objectives of the CRS .....	43
3.2.1 Findings .....	43
3.2.2 Conclusions.....	55
3.2.3 Recommendations.....	57
3.3 Administration of the CRS.....	59
3.3.1 Findings .....	59
3.3.2 Conclusions.....	68
3.3.3 Recommendations.....	70
3.4 Complaint Activity Trends.....	75
3.4.1 Findings .....	76
3.4.2 Conclusions.....	93
3.4.3 Recommendations.....	94
3.5 Performance Measures/Feedback Mechanisms for CRS Performance .....	97
3.5.1 Findings .....	98
3.5.2 Conclusions.....	102
3.5.3 Recommendations.....	103
3.6 ORM Staff Performance Standards.....	105
3.6.1 Findings .....	105
3.6.2 Conclusions.....	107
3.6.3 Recommendations.....	108
3.7 Performance Feedback Mechanisms at VA Facilities.....	109
3.7.1 Findings .....	109
3.7.2 Conclusions.....	111
3.7.3 Recommendations.....	112

Table of Contents

3.8	Mechanisms to Ensure Proper Use of the CRS – Techniques to Avoid Misuse ....	113
3.8.1	Findings.....	113
3.8.2	Conclusions .....	115
3.8.3	Recommendations .....	115
3.9	Outreach and Collaboration with Related Programs .....	117
3.9.1	Findings.....	117
3.9.2	Conclusions .....	121
3.9.3	Recommendations .....	122
3.10	Training of ORM Staff.....	125
3.10.1	Findings.....	126
3.10.2	Conclusions .....	131
3.10.3	Recommendations .....	133
3.11	Educating VA Employees about the New CRS .....	135
3.11.1	Findings.....	135
3.11.2	Conclusions .....	143
3.11.3	Recommendations .....	144
3.12	Disciplinary Measures .....	145
3.12.1	Findings.....	145
3.12.2	Conclusions .....	153
3.12.3	Recommendations .....	154
3.13	Perceptions of the EEO Climate .....	155
3.13.1	Findings.....	156
3.13.2	Conclusions .....	162
3.13.3	Recommendations .....	163
3.14	Managerial Responses to EEO Complaints .....	165
3.14.1	Findings.....	165
3.14.2	Conclusions .....	168
3.14.3	Recommendations .....	169

**APPENDICES**

- Appendix A. Focus Group Methodology
- Appendix B. Focus Group Results
- Appendix C. Interview Results
- Appendix D. References Reviewed for this Report
- Appendix E. Rank Order Listing of Issues on Which VA Complaints Were Filed
- Appendix F. Rank Order Listing of Bases on Which VA Complaints Were Filed

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## Acronyms

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ADR	Alternative Dispute Resolution
CFR	Code of Federal Regulations
CRS	Complaint Resolution System
CS-CIMS	Client Server–Correspondence Information Management System
DAS	Deputy Assistant Secretary
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FAD	Final Agency Decision
FIT	Fairness, Integrity, and Trust
FTE	Full-Time Equivalents
FY	Fiscal Year
HR	Human Resources
HR&A	Human Resources and Administration
NCS	National Cemetery System
OEDCA	Office of Employment Discrimination Complaint Adjudication
OEO	Office of Equal Opportunity
OGC	Office of General Counsel
OHRM	Office of Human Resources Management
ORM	Office of Resolution Management
RMO	Responsible Management Official
SOPs	Standard Operating Procedures
VA	Department of Veterans Affairs
VACO	VA Central Office
VBA	Veterans Benefits Administration
VAMC	VA Medical Center
VHA	Veterans Health Administration
VISN	Veterans Integrated Services Network



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# 1. Executive Summary

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On November 21, 1997, Public Law 105-114, *Veterans Benefits Act of 1997*,<sup>1</sup> was signed. Included within this Law, in sections 101-103, was the requirement that the Department of Veterans Affairs (VA) take action to improve its equal employment opportunity (EEO) environment. Although VA had, in 1993, established a “zero tolerance” policy for sexual harassment and discrimination, concerns surfaced regarding compliance with that policy and the effectiveness of VA’s complaint processing system. Among the actions Congress required through passage of the Law was that VA hire an independent contractor to conduct an assessment of its programs for improving the EEO environment and its approach to processing EEO-related complaints.

Section 103 of Public Law 105-114 identified the areas where Congress was most interested in learning about VA’s approach to improving the effectiveness of its EEO Complaint Resolution System (CRS). Congress required that the report submitted by the independent assessor include an assessment of the complaint resolution system, including the effectiveness of the following:

- (a) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination
- (b) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims
- (c) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws
- (d) Programs to oversee the administration of the system
- (e) Programs to evaluate the effectiveness of the system in meeting its objectives
- (f) Other programs, procedures or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures
- (g) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department.

In March 1998, VA hired Booz·Allen & Hamilton to conduct that assessment. Booz·Allen developed a comprehensive set of ten research questions to address the overall intent of the assessment. Booz·Allen informed VA’s Office of Resolution Management (ORM), VA’s Office of Employment Discrimination Complaint Adjudication (OEDCA), and Congress of the intended assessment areas to ensure that all parties agreed on the direction of the study.

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<sup>1</sup> Amendment to Title 38, United States Code, to revise, extend and improve programs for veterans.

Upon obtaining agreement regarding this assessment focus, we developed data collection materials targeted at gathering information related to these combined assessment areas.

A summary answer to each research question is presented here in the Executive Summary. The findings, conclusions, and recommendations resulting from this analysis are contained in the body of this report.

**Question 1. How effective is VA's CRS relative to available standards?**

*Overall, VA's new CRS effectively addresses problems inherent in VA's previous EEO complaint resolution system, and is superior in many ways to best practices organizations.*

The results of our data collection efforts indicate that VA's new CRS has effectively begun to address many of the problems of the previous EEO complaint resolution system, particularly employees' lack of trust in the system and the conflict of interest arising from having EEO staff who process complaints report to facility management. In establishing an independent organization that is dedicated to processing EEO complaints, VA has effectively removed the EEO complaint resolution process from under the control of local VA management.

In addition to comparing VA's CRS to VA's previous EEO complaint resolution system, we sought to compare the CRS against external standards, including Equal Employment Opportunity Commission (EEOC) standards and best practices organizations. From interviews with EEOC staff, it became apparent that EEOC criteria do not exist for comparison purposes. In comparison to organizations with known best practices in complaint resolution, ORM is more advanced in terms of its organization, operating procedures, and data tracking capabilities.

**Question 2. To what extent are ORM and OEDCA achieving their missions?**

*ORM and OEDCA are successfully meeting their mission objectives of independent operation; improved quality; fairness, integrity, and trust; and the offering of alternative dispute resolution (ADR). It is too soon to observe any impact of the CRS on timeliness.*

In evaluating the extent to which ORM and OEDCA are meeting their missions, we identified the key objectives of the newly formed organizations. Our review of the mission statements of each organization, and the intent behind the development of a centralized body to manage EEO complaint processing, resulted in the identification of the following key objectives:

- Independence from VA management
- Increased quality of complaint processing
- Increased fairness, integrity, and trust in the complaint process
- Timely complaint processing
- Availability of ADR to aggrieved individuals.

*Independence.* The separation that exists between ORM, OEDCA, and VA facilities has allowed ORM and OEDCA to operate as independent organizations, and most of our findings indicate that this independence has had a positive impact on the CRS. The majority of VA employees and ORM staff queried has noticed the changes and believe that the new CRS has addressed many concerns present in the old system. Some concerns have arisen, however, as a result of this separation. Some supervisory employees and Facility Directors have expressed their concern that the separation between ORM and VA facility management will inhibit the early resolution of complaints. Others mentioned their concern that when ORM's staff lack familiarity with the facility's culture and norms, that could be an impediment to early resolution of complaints.

To further explore the concerns raised by facilities regarding ORM's independent functioning, we recommend that ORM evaluate the boundaries of their relationship with VA facility management, looking to increase the effectiveness of the new CRS to the satisfaction of both ORM and pertinent facility staff. ORM should collect more detailed information about the impact of removing EEO complaint processing from the control of the facilities. ORM should also further explore what facilities need and want to know about the complaint process, thus enabling ORM to accept and improve upon the new structure.

*Quality.* ORM staff expressed their confidence that quality has improved under the new CRS. They indicated that they have several internal methods for measuring and ensuring quality services, and that these internal procedures have contributed to an overall improvement in quality. They also noted the reduction in EEOC remands as further evidence of quality improvement. VA employees were hesitant to judge the "quality" of the new CRS, but many agreed that the system was an improvement over the previous system.

*Fairness, Integrity, and Trust.* The current structure of ORM fosters increased fairness, integrity, and trust. Many of the changes made to the CRS have had a positive impact on the processing of complaints. VA non-supervisory employees and ORM staff have noticed the changes and believe that the new CRS has addressed many of the concerns VA had with the old system. Primarily, the addition of full-time staff and removing complaint resolution from the control of individual facilities has helped promote trust in the new system and the perception that ORM will administer the new system fairly and with integrity. However, some supervisory employees expressed their concern that the new CRS is biased in favor of the complainant. In a system where supervisory employees are likely to be identified as the Responsible Management Official (RMO) and thus feel victimized by the process, it is important that ORM representatives display the highest level of professionalism and understand the dynamic working against supervisors, as well as the needs and rights of the complainant.

*Timeliness.* While ORM has made some initial improvements in the timeliness of complaint processing, sufficient data are not available at this time to make a definitive determination of the impact of the new CRS on timeliness. Limited data are available on the timeliness of the new system, due to problems with VA's tracking of complaints under the previous system and the short time in which the new CRS has been operational.



Additionally, many of the VA employees who were asked for their perceptions of the new CRS' impact on timeliness indicated that they were unaware of any changes to timeliness and, further, that it was really too soon to make that determination.

To obtain a more accurate determination of complaint processing timeliness, we recommend that ORM continue to monitor workload and complaint activity data through Fiscal Year (FY) 99. This will enable ORM to determine the impact of additional variables such as case backlog, increased complaint filing, and staffing adjustments. By continuing to collect this information, ORM can determine the extent to which timeliness has been affected by the new CRS.

ADR. ADR, as intended, is offered through facility programs where available. ORM is in the process of developing a national ORM ADR policy/program to supplement the existing network of facility programs and clarify ORM's relationship and commitment to these programs. A two-prong pilot program is currently underway at ORM's Bay Pines Field Office. The first goal of the pilot is to develop policies for interacting with local ADR programs. The second goal is to develop a comprehensive mediation training session for ORM staff who will supplement the existing network of facility ADR mediators.

Many employees do not fully understand what ADR is; therefore, they do not tend to select it as a complaint resolution option. With improved understanding, it is likely that more employees may seek this option. When ADR is more widely used, VA may experience earlier resolution of some EEO disputes.

We recommend that ORM work in conjunction with the facilities' On-site EEO Program Managers and, where available, existing ADR representatives, to develop outreach materials that clearly communicate information about ADR to all VA employees. Successful distribution of the information will serve to educate VA employees about what constitutes a valid complaint and what they can realistically expect from ADR.

**Question 3. To what extent is VA effective in training EEO Intake Specialists, Counselors, and Investigators?** (Pertains to Congressional interests a and b)

*ORM provided comprehensive introductory training to its EEO Intake Specialists, Counselors, and Investigators. However, staff need additional training in key performance areas. ORM recognizes this need and is developing solutions to provide staff with necessary training.*

Prior to beginning their assignments, each key staff person was enrolled in an intensive, three-week training program that provided them with a basic understanding of the tools, knowledge, and skills they would need to begin performing their jobs. The training also included an orientation to the CRS process and an overview of ORM's purpose, goals, and expectations for its staff. The training was successful in developing key staff who could immediately begin performing their jobs and help ORM "jump start" the new organization.

The majority of the new hires participating in this intensive training were already familiar to varying degrees with EEO-related issues and VA's former complaint resolution

process. It was important to ORM (and to the success of the new CRS) that these employees understand that ORM was a new organization, bringing a new and different approach to doing business, and that the old ways no longer applied. Based on our evaluation of the three-week training and subsequent interviews with key staff, we have concluded that ORM was successful in indoctrinating these key staff to the mission, goals, and objectives of the new organization and the new CRS.

It is doubtful that ORM will need to provide basic training to so many key staff at one time as was required for the initial start-up activities. Therefore, it is unlikely that this three-week course will be presented again in the same manner as was experienced by those key staff involved in the initial training. When providing training to new hires, ORM plans to use components of this three-week course (and others subsequently developed) appropriate to the level of new hires.

After having been on the job for several months, key staff identified – through this assessment and through ORM’s own training needs survey – additional learning needs that will improve the quality of their job performance (see Figure 1).

**Figure 1. Learning Needs of Key Staff**

<b>Position</b>	<b>Learning Needs</b>
Intake Specialists	<ul style="list-style-type: none"> <li>• Legal Analysis</li> <li>• Legal Writing</li> <li>• Leadership Development</li> <li>• Personnet System</li> <li>• Automation</li> <li>• Investigative Techniques</li> </ul>
Counselors	<ul style="list-style-type: none"> <li>• EEO Law and Procedures</li> <li>• Human Resources Management</li> <li>• Time Management</li> <li>• Automation</li> <li>• Leadership Development</li> </ul>
Investigators	<ul style="list-style-type: none"> <li>• Investigative Techniques</li> <li>• Legal Analysis</li> <li>• Report Writing</li> <li>• Automation</li> <li>• Leadership Development</li> </ul>

Many of the courses identified through ORM’s training needs survey either have been developed or are under development. ORM has established a Training Lab at Bay Pines, FL that is dedicated to developing and delivering training to ORM staff, further demonstrating its commitment to providing professional growth opportunities for its employees.

It is recommended that ORM continue to identify learning needs and provide staff with ongoing, targeted training opportunities. In addition, Booz·Allen recommends that ORM conduct follow-up evaluations of staff to determine the extent to which they are

exhibiting learned behaviors on the job. Finally, to provide newly-hired staff the learning, bonding, and networking opportunities that benefited key staff who participated in the three-week training, we recommend that ORM establish a mentoring or buddy program.

**Question 4. To what extent is VA effective in training and educating supervisory and non-supervisory employees about the new CRS?** (Pertains to Congressional interest c)

*There is inconsistent quality in the EEO-related training provided to employees throughout VA. This inconsistency pertains to training on the new CRS as well as other types of EEO training, and can largely be attributed to the experience levels of the instructors, as well as the variations in depth of the training provided.*

Numerous approaches are undertaken by the facilities to provide EEO-related training to employees. While some facilities may have access to experienced instructors, it appears that others do not. In addition, the content and depth of the training varies depending upon the resources from which information is obtained to construct the training. Thus, not all employees have equal access to EEO-related training.

ORM's initial attempts to provide training to VA employees in the new CRS had mixed results. Some employees did not receive training; of those that did, reactions to the training were mixed. Because of these concerns, ORM subsequently created and broadcast an in-depth video about the CRS, which provided thorough information to all VA employees.

While the quality of EEO-related training varies across VA's facilities, most employees know the difference between acceptable and unacceptable behavior, and how to access the CRS if they need it. Future training of VA employees could focus on areas identified by ORM through its root cause analyses, thus providing learning targeted to specific needs.

Booz-Allen recommends that, to the extent resources will permit, ORM expand its role in providing VA-wide training to all employees. ORM, through its complaint processing activities and root cause analyses, will have access to pertinent information related to the kinds of training needed to help change and improve VA's work environment. By combining this information with ORM's training expertise and technologies, and with the expertise of facilities' EEO staff, quality, targeted training packages can be developed and provided to VA's work force.

**Question 5. To what extent is VA effective in administering the CRS?** (Pertains to Congressional interest d)

*ORM and OEDCA have developed, or are in the process of developing, the administrative mechanisms necessary for successful operation of the CRS. Current concerns include a short-term staffing shortage in the Intake Specialist and Investigator positions.*

The establishment and administration of ORM and OEDCA are consistent with an organization that is in development. The administrative mechanisms necessary to effectively

manage the CRS have either been developed or are in the process of being developed. Both ORM and OEDCA have staffed their organizations and have implemented a formal organizational structure. Additionally, they have established and communicated roles and responsibilities of staff positions. In terms of operations, both ORM and OEDCA have established standard operation procedures (SOPs) for use by staff. As of the time of this writing, ORM’s SOPs are in draft form.

Because of its size and geographical dispersion, ORM has a greater need for effective administrative mechanisms. Figure 2 shows the status of various aspects of ORM’s administration. As shown, many of ORM’s administrative mechanisms are still under development, which is not uncommon for a new organization with such a heavy workload.

**Figure 2. Status of the Administration of the CRS**

	Development	Implementation	Operation
Organization	[Bar in Development phase]		
Staffing	[Bar in Development phase]		
Performance Measures	[Bar in Development phase]		
Roles & Responsibilities	[Bar in Development phase]		
External Relations	[Bar in Development phase]		
SOPs	[Bar in Development phase]		
Root Cause Analysis	[Bar in Development phase]		
Feedback	[Bar in Development phase]		

ORM needs to minimize its existing backlog as quickly as possible. The backlog is having a negative impact on an otherwise successful complaint resolution system. ORM has already identified potential ways to address the problem. Reduction of the backlog should be given the highest priority.

OEDCA has successfully reduced its backlog of complaints needing adjudication. However, ORM will need to communicate upcoming workload changes to OEDCA so OEDCA can be prepared to continue to meet the demand caused by additional increases in complaints needing adjudication.

**Question 6. To what extent are there programs and mechanisms in place to evaluate the effectiveness of the CRS (and how effective are these programs and mechanisms)?** (Pertains to Congressional interest e)

*ORM has a vision for monitoring its programmatic performance against standards beyond those required by external regulations, and is in the process of establishing performance measurement and feedback mechanisms.*

ORM is in the process of developing a performance management and measurement system that includes outcome measures focused on mission accomplishment; output measures that provide an indication of progress; and activity measures that indicate whether work processes are effective and efficient. EEOC regulations only require that output and activity measures be collected. Clearly, ORM has set standards beyond those external requirements, and is seeking to achieve the higher order outcomes of fairness, integrity, and trust; support for VA's high performing workforce; early resolution of complaints; and fostering a workplace free from discrimination and harassment.

With the exception of reviews of workload data, the methods currently used by ORM Field Offices to gauge office performance are not standardized, and likely differ from site to site. Additionally, many staff are unsure of the performance expectations on them and of the implications of not meeting their performance standards. The primary reliance on informal, rather than standardized feedback mechanisms may prevent ORM Field Offices from accurately monitoring operational progress.

Booz-Allen recommends that ORM solidify its mechanisms for measuring its performance. For example, ORM should finalize the required content and format of the *Root Cause Report* to make it an even more effective feedback tool. ORM should also establish a formalized mechanism for using performance data to improve programmatic performance.

We further recommend that the techniques used by Regional Officers to assess Field Office performance be reviewed in the interest of standardizing the more innovative ideas for use across ORM. This could be accomplished through discussions of the various methods of performance assessment that Regions are currently using, compiling a comprehensive list, and determining an efficiency rating (time invested/results obtained) for each method. Using this approach, ORM could identify the most promising techniques for broad use across ORM.

**Question 7. To what extent is VA's CRS effectively collaborating with related programs, procedures, and activities?** (Pertains to Congressional interest f)

*ORM does not routinely collaborate with staff in EEO-related programs at VA facilities. Additionally, the relationship between ORM and facility EEO staff is sometimes strained.*

The majority of Affirmative Action and Diversity Program staff and Union representatives report that they do not coordinate or communicate with ORM. This lack of coordination and communication could result in a lost opportunity to jointly foster a workplace free of discrimination and harassment. The lack of coordination with related

programs could also inhibit effective complaint processing and resolution at the lowest levels.

Many facility staff (On-site EEO Program Managers, Human Resources staff) perceive that they are dissociated from the new CRS, and that ORM staff make unrealistic demands on them. These strained relations could have a negative impact on the success of ORM. For example, since ORM is highly dependent upon facility staff for obtaining data and logistical support, lack of cooperation from on-site staff could directly reduce ORM's effectiveness at obtaining information and facilitating complaint resolution.

We recommend that ORM continue to clarify and strengthen its relationship with on-site facility staff, management, and related programs in order to improve complaint processing and enhance the EEO environment at VA. For example, ORM's analysis of redacted complaint data would allow ORM and VA management to identify trends and root causes in complaints, thereby effecting systemic improvements. ORM should also establish formal communication procedures to be used with all facilities, using lessons learned from facilities where a strong relationship currently exists. These communication procedures must ensure that ORM's key objectives of confidentiality and independence are still met.

To help clarify its relationship with related programs and involve them in the CRS, ORM should establish regular communications that permit a sharing of trends and issues. These could be accomplished through venues such as forums, regularly scheduled conference calls, and meetings. This information sharing will enable ORM to work effectively with Affirmative Action and Diversity Programs to better understand VA's EEO climate and identify ways to foster a workplace free of discrimination and harassment.

ORM has worked with the Unions at a national level; however, this cooperation has not always carried down to the local facility level. ORM should continue to cultivate a better relationship with the Unions, particularly the local chapters, clarifying the Union's role in the new system.

**Question 8. To what extent is VA effective in issuing and enforcing disciplinary measures, and using these measures as deterrents for other employees?** (Pertains to Congressional interest g)

*While VA has made strides in ensuring that discipline is applied appropriately, the effectiveness of VA disciplinary measures as deterrents is still limited. Limitations are imposed by lack of accurate information and disbelief that discipline is fairly administered.*

The current structure places the responsibility for administering disciplinary and adverse actions in response to EEO offenses on facility management. OEDCA is able to propose that discipline be considered; however, facility management makes the final decision.

The effectiveness of discipline as a deterrent at VA is limited by employees' lack of awareness of discipline that has been taken in response to EEO offenses. Additionally, many

employees perceive that discipline at VA is not applied appropriately or consistently, further reducing its effectiveness as a deterrent.

In response to problems with the administration of discipline at VA, a significant change has recently been enacted, imposing tighter controls on the process. VA's Assistant Secretary for Human Resources and Administration (HR&A) is now responsible for tracking and monitoring disciplinary actions taken by facility management. Facility managers are required to report to the Assistant Secretary for HR&A the disciplinary actions taken (or not taken), and their rationale, in response to findings of intentional discrimination or harassment.<sup>2</sup>

In response to the limitations discussed, we recommend that ORM and OEDCA explore ways of tracking and communicating disciplinary measures taken in response to EEO offenses. We recognize that this recommendation presents several challenges. However, we believe disseminating information could be an effective deterrent. Additionally, communicating this information may help overcome non-supervisory and supervisory employees' beliefs that discipline is not fairly applied, as was indicated in our findings.

**Question 9. How has the new CRS impacted EEO workload?**

*An increase in complaints, as well as the backlog from VA's old EEO complaint resolution system, has resulted in an excessive workload on ORM's Intake Specialists and Investigators. OEDCA has effectively reduced the backlog of complaints needing adjudication from the old system.*

ORM's complaint statistics reflect large increases in the number of incoming telephone calls from complainants, as well as in the number of informal complaints filed. Moreover, the number of formal complaints pending in the backlog has increased significantly in the past several months. These increases are likely attributed to more favorable perceptions by employees overall of the new CRS, as well as a significant number of previously unreported complaints that ORM recently discovered. To ensure ORM is meeting its timeliness and quality objectives, appropriate mechanisms must be put into place to handle fluctuations in informal complaints. ORM must increase efforts toward resolving informal complaints before they become formal, thereby preventing extra burden on the CRS and the potential for additions to the formal complaint backlog.

It should be noted that ORM has been proactive in tracking complaint activity and conducting trend analyses to obtain greater insight regarding complaints and the effectiveness of the CRS. One of the most unique aspects of ORM's tracking and trend analyses is its efforts to identify root causes underlying non-discriminatory complaint activity to increase ORM's ability to affect the workplace environment.

We recommend that ORM continue to monitor trends in complaint activity and root causes to facilitate timely and effective action planning. Towards this end, ORM should

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<sup>2</sup> Memorandum dated 3/11/99 from the Deputy Assistant Secretary for Human Resources Management to the Executive Secretary (Subj: Follow-up Procedures in Findings of Retaliation and Intentional Discrimination).

continue to conduct both centralized and Field Office specific analyses of complaint activity trends. ORM should also expedite the process for standardizing an approach to root cause identification. These steps will aid ORM in recognizing patterns and employing interventions.

We further recommend that ORM devote additional resources (e.g., funding and/or staff) to ensure that the Client Server–Correspondence Information Management System (CS-CIMS) database serves as a resource to assist ORM staff. Short-term investments in information technology and information management tools will have long-term positive impacts on increased efficiency and effectiveness.

ORM has demonstrated its effectiveness to date in meeting or nearly meeting its goals for informal resolution, despite increases in the number of informal complaints it receives. ORM should strive to continue to achieve these goals, thus ensuring CRS effectiveness regardless of fluctuations in informal complaint activity.

**Question 10. Do customers perceive that the CRS is meeting their needs?**

*Many employees perceive that it is too soon to tell if the new CRS will meet their needs. However, the responses from our focus groups indicate that non-supervisory employees are optimistic that the new system will be an improvement over the old system. Supervisory employees expressed less positive reactions, feeling that the new system will be biased in favor of complainants.*

Many of the changes made to the CRS have had a positive impact on the processing of complaints. Most VA employees and ORM staff have noticed the changes and believe that they have addressed many of the concerns VA had with the old system. Most of the employees who were surveyed, interviewed, or who had participated in focus groups indicated they had had no direct experience with the new CRS, and thus were unable to determine whether it would meet their needs. While some concerns were expressed regarding the ability of ORM staff to be neutral, to keep focused on quality and not quantity, and on a need for improved customer service skills, the majority of VA employees are optimistic that the new CRS will improve the complaint resolution process.

That optimism is not found with many of the supervisory employees, who expressed their concerns that ORM would be biased in favor of the complainant. Negative reactions by supervisors should be considered a matter to be addressed by ORM; efforts need to be made in these early stages of ORM's development to reassure the supervisors that ORM's fairness and objectivity extend to all parties in a complaint process.

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The above paragraphs have provided several high-level conclusions and recommendations directly related to Congressional and VA interests. Figure 3 illustrates all of the conclusions and recommendations that are contained in the following pages of the report.



**Figure 3. Summary of Conclusions and Recommendations for Report Sections**

<b>Section 3.2 Key Objectives of the CRS</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• While ORM has made some initial improvements in the timeliness of complaint processing, sufficient data have not been available to make a definitive determination of the impact of the new CRS on timeliness. (3.2.2.1)</li> <li>• The current structure of ORM fosters quality services and increased fairness, integrity, and trust. (3.2.2.2)</li> <li>• ORM is functioning separately from local VA management. However, there are unintentional negative consequences of complete separation. (3.2.2.3)</li> <li>• ORM's current plans for ADR show commitment to the ADR philosophy comparable to best practices organizations. However, VA employees lack understanding about current ADR options, preventing effective use of existing programs. (3.2.2.4)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM needs to continue collecting workload and complaint activity data through FY 99. This will allow for a more accurate determination of complaint processing timeliness. (3.2.3.1)</li> <li>• ORM should evaluate the boundaries of its relationship with VA facility management, seeking to increase the effectiveness of the CRS to the satisfaction of both ORM and pertinent facility staff. (3.2.3.2)</li> <li>• ORM should continue its efforts to launch the ADR program, and develop outreach materials to clearly communicate about ADR to all VA employees. (3.2.3.3)</li> </ul>
<b>Section 3.3 Administration of the CRS</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• The establishment and administration of ORM and OEDCA are consistent with the administration of an organization in development. Standard operating procedures (SOPs) are in the process of being firmly established as the organizations mature. (3.3.2.1)</li> <li>• There is a short-term staffing shortage among Intake Specialists and Investigators due to the current complaint backlog situation. As a result, timeliness and performance goals are not being met – thus reducing the effectiveness of ORM in providing complaint resolution services. (3.3.2.2)</li> <li>• OEDCA's current staffing levels are effective and appropriate given the number of incoming complaints. OEDCA can most likely accommodate small increases in complaint activity, but if major changes occur OEDCA may need more staffing. (3.3.2.3)</li> <li>• Intake Specialists may not be effective team leaders in all situations; this could be due to a lack of supervisory skills or the competing demands of their team leader and caseload responsibilities. (3.3.2.4)</li> <li>• Communication effectiveness varies among Field Offices and is highly dependent upon the communication skills of managers. (3.3.2.5)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should continue to refine its SOPs and communication methods, ensuring that the needs of both the national and regional levels are met. ORM Headquarters and the Field Offices should continue to work collaboratively in refining administrative mechanisms. (3.3.3.1)</li> <li>• ORM should take steps to eliminate the existing complaint backlog, such as using a private-sector investigative firm, hiring additional administrative staff, streamlining the investigative process, and seizing opportunities to shift complaint processing responsibilities between Field Office locations. Elimination of the backlog should be made a top priority. (3.3.3.2)</li> <li>• Both ORM and OEDCA should collaboratively re-evaluate proposed staffing levels to meet anticipated changes in complaint volume. (3.3.3.3)</li> <li>• ORM should re-evaluate the role of Intake Specialists to determine if they are effective and consider creating an additional position to handle the quality control responsibilities of Intake Specialists. (3.3.3.4)</li> <li>• ORM should establish formal communication guidelines at Field Offices and train managers (Regional Officers and Intake Specialists) in communication and coaching. (3.3.3.5)</li> </ul>

<b>Section 3.4 Complaint Activity Trends</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• ORM's complaint activity tracking and trend analyses go beyond governmental requirements to foster greater insight regarding complaints and the effectiveness of the CRS. (3.4.2.1)</li> <li>• ORM's CS-CIMS database tracking system is not fully operational, preventing effective data tracking. (3.4.2.2)</li> <li>• Favorable employee attitudes toward the new CRS have likely led to a substantial increase in incoming complaint activity. (3.4.2.3)</li> <li>• A large number of previously undocumented complaints, coupled with the backlog from the old system, have put an additional burden on the CRS. (3.4.2.4)</li> <li>• OEDCA has been effective in managing the final agency decision process. (3.4.2.5)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should continue to monitor trends in complaint activity and root causes to facilitate the action planning process. (3.4.3.1)</li> <li>• ORM should conduct an audit to ensure that CS-CIMS accounts for all previous complaint activity in an accurate and comprehensive fashion. (3.4.3.2)</li> <li>• ORM should ensure that informal complaint resolution rate targets continue to be met. (3.4.3.3)</li> <li>• OEDCA should collaborate with ORM to identify effective methods for reducing the backlog in formal complaints. (3.4.3.4)</li> </ul>
<b>Section 3.5 Performance Measures/Feedback Mechanisms for CRS Performance</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• ORM has a vision for monitoring its programmatic performance against standards beyond those required by external regulations, and is in the process of establishing performance measurement and feedback mechanisms. (3.5.2.1)</li> <li>• The primary reliance on informal, rather than standardized, feedback mechanisms may prevent ORM Field Offices from accurately monitoring operational progress. (3.5.2.2)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should crystallize its measurement and feedback system for organizational performance and improvement. (3.5.3.1)</li> <li>• Techniques used by Regional Officers to assess Field Office performance should be reviewed in the interest of standardizing the more innovative ideas for use across ORM. (3.5.3.2)</li> </ul>
<b>Section 3.6 ORM Staff Performance Standards</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• The growing emphasis on timeliness as a performance standard within ORM is comparable with any organization as it matures. However, use of timeliness as a standard requires caution due to the impact of complaint backlog. (3.6.2.1)</li> <li>• The lack of understanding of implications of not meeting performance standards prevents effective performance management of ORM staff. (3.6.2.2)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should emphasize the importance of quality to employees, as well as timeliness. (3.6.3.1)</li> <li>• Within each Field Office, the Regional Officer should meet with staff to discuss performance standards and the implications of not meeting them. (3.6.3.2)</li> </ul>
<b>Section 3.7 Performance Feedback Mechanisms at VA Facilities</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• ORM has not yet developed sufficient feedback mechanisms for providing complaint information to facilities, resulting in ineffective communication instead of positively influencing the work environment. (3.7.2.1)</li> <li>• There is currently no agreement between ORM and facility management regarding the type and amount of CRS information to be shared. (3.7.2.2)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should develop a standardized procedure for delivering complaint feedback to facility management. (3.7.3.1)</li> <li>• ORM and OEDCA should determine an approach for ensuring the <i>OEDCA Digest</i> (and, in the future, the <i>Root Cause Report</i>) is reaching the intended audience. (3.7.3.2)</li> </ul>

<b>Section 3.8 Mechanisms to Ensure Proper Use of the CRS – Techniques to Avoid Misuse</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>Despite the finding that misuse of the CRS is widely recognized by VA facility employees, existing regulations prohibit ORM from actively pursuing mechanisms to prevent its misuse. (3.8.2.1)</li> </ul>	<ul style="list-style-type: none"> <li>ORM should continue to explore other options for informal resolution of complaints (such as ADR). Additionally, attempts should be made to educate employees about what is and is not a valid complaint. (3.8.3.1)</li> </ul>
<b>Section 3.9 Outreach and Collaboration with Related Programs</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>The relationship between ORM and VA facility staff is strained, which can negatively affect the efficiency of complaint processing and prevent improvement to the work environment. (3.9.2.1)</li> <li>Coordination and communication between ORM, EEO-related programs, and the Unions is limited, resulting in a lost opportunity to jointly foster a workplace free of discrimination and harassment. (3.9.2.2)</li> </ul>	<ul style="list-style-type: none"> <li>ORM must continue to clarify and strengthen its relationship with on-site facility staff, management, and related programs in order to improve complaint processing and enhance the EEO environment at VA. (3.9.3.1)</li> <li>ORM and EEO-related programs should establish regular communication (such as forums, regularly scheduled conference calls, and meetings) to share information and ideas about improving the workplace environment. (3.9.3.2)</li> </ul>
<b>Section 3.10 Training of ORM Staff</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>ORM's three-week training provided the appropriate training to start off the new organization. (3.10.2.1)</li> <li>ORM's demonstrated commitment to providing professional growth opportunities to its employees will enable existing and future key staff to obtain the types of training that continuously improves their skills. (3.10.2.2)</li> <li>The Intake Specialists, Counselors, and Investigators need immediate, additional training in areas key to their job performance. (3.10.2.3)</li> <li>ORM's approaches to hiring, evaluating, and training its key staff are compatible with one another and are consistent with the competencies key staff identified for high performers. (3.10.2.4)</li> </ul>	<ul style="list-style-type: none"> <li>ORM should continue to identify learning needs and provide its staff with ongoing, targeted training opportunities. (3.10.3.1)</li> <li>ORM should conduct follow-up evaluations of staff to determine the extent to which they are exhibiting learned behaviors on the job. (3.10.3.2)</li> <li>ORM should establish a mentoring program to acclimate staff to new responsibilities. (3.10.3.3)</li> <li>To encourage key staff to strive for excellence, ORM senior managers should establish and communicate competencies that outstanding staff in key positions are expected to demonstrate. (3.10.3.4)</li> </ul>
<b>Section 3.11 Educating VA Employees about the New CRS</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>While the quality of EEO-related training varies across VA facilities, most employees know the difference between acceptable and unacceptable behavior, and how to access the CRS if they need it. (3.11.2.1)</li> </ul>	<ul style="list-style-type: none"> <li>ORM should continue to identify targeted areas where EEO-related training is needed and work with other VA offices to provide it to VA employees. (3.11.3.1)</li> </ul>
<b>Section 3.12 Disciplinary Measures</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>While VA has made strides in ensuring that discipline is applied appropriately, the effectiveness of VA disciplinary measures as deterrents is still limited. Limitations result from lack of accurate information, obstacles, and a disbelief that discipline is fairly administered. (3.12.2.1)</li> </ul>	<ul style="list-style-type: none"> <li>ORM should encourage VA facility management to take disciplinary action immediately after complaint resolution. (3.12.3.1)</li> <li>ORM and OEDCA should explore ways of tracking and communicating disciplinary measures taken in response to EEO offenses. (3.12.3.2)</li> </ul>

<b>Section 3.13 Perceptions of the EEO Climate</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• The new CRS has not yet had an impact on fostering a workplace free of discrimination and harassment. However, ORM is taking steps that could ultimately result in a better EEO climate. (3.13.2.1)</li> <li>• The distinctly different perceptions of the EEO climate held by non-supervisory and supervisory employees need to be addressed. (3.13.2.2)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM should consider conducting a linkage analysis of employee perceptions against root cause reporting data. This will enable them to validate actual problems and trends and hone in on areas that need improvement/training. (3.13.3.1)</li> <li>• ORM should capitalize on the results of the <i>Root Cause Reports</i> and use them to drive efforts to improve VA's EEO environment. (3.13.3.2)</li> </ul>
<b>Section 3.14 Managerial Responses to EEO Complaints</b>	
<b>Summary of Conclusions</b>	<b>Summary of Recommendations</b>
<ul style="list-style-type: none"> <li>• Most employees feel that senior management shows support for EEO issues; their concern about other managerial and supervisory levels inhibits resolution of EEO concerns at the lowest possible level. (3.14.2.1)</li> </ul>	<ul style="list-style-type: none"> <li>• VA needs to emphasize that supervisors are responsible for managing the work environment, including EEO issues and the EEO environment. (3.14.3.1)</li> <li>• VA, in conjunction with ORM, needs to provide more training for supervisors on how to deal appropriately with EEO issues. (3.14.3.2)</li> </ul>



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## 2. Overview

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### 2.1 BACKGROUND

Since 1993, the Department of Veterans Affairs (VA) has had in force a harassment and discrimination “zero tolerance” policy. That policy requires that there be no incidents of VA’s employees being harassed (sexually or non-sexually) or discriminated against. Through this policy, VA attempted to establish an environment that promoted equal opportunity and eliminated discriminatory policies and practices, as required under Equal Employment Opportunity Commission (EEOC) regulations.

However, it became increasingly apparent that, even with this policy, concerns continued to arise regarding workplace occurrences of discrimination and harassment and the overall effectiveness of VA’s stance on zero tolerance. A general perception existed within the VA environment that the complaint resolution process was not functioning independently enough of local VA management to ensure fair and equal enforcement of the zero tolerance policy. Serious incidents of sexual harassment by some senior managers raised concerns in the House of Representatives and U.S. Senate regarding VA’s approach to ensuring fair and effective resolution of equal employment opportunity (EEO) issues.

In fact, these concerns were serious enough that, on November 21, 1997, when Public Law 105-114, *Veterans Benefits Act of 1997*,<sup>3</sup> was passed, Sections 101-103 were devoted to VA’s EEO process. Most specifically, Section 103 required that the Secretary of Veterans Affairs obtain an independent, impartial third party to conduct an assessment of VA’s Complaint Resolution System (CRS). As authorized in Public Law 105-114, the assessment was to cover the effectiveness of the components of VA’s CRS outlined in Figure 4.

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<sup>3</sup> Amendment to Title 38, United States Code, to revise, extend, and improve programs for veterans.

**Figure 4. Public Law 105-114, Title 1: Equal Employment Opportunity Process in the Department of Veterans Affairs – Focus of Independent Assessment**

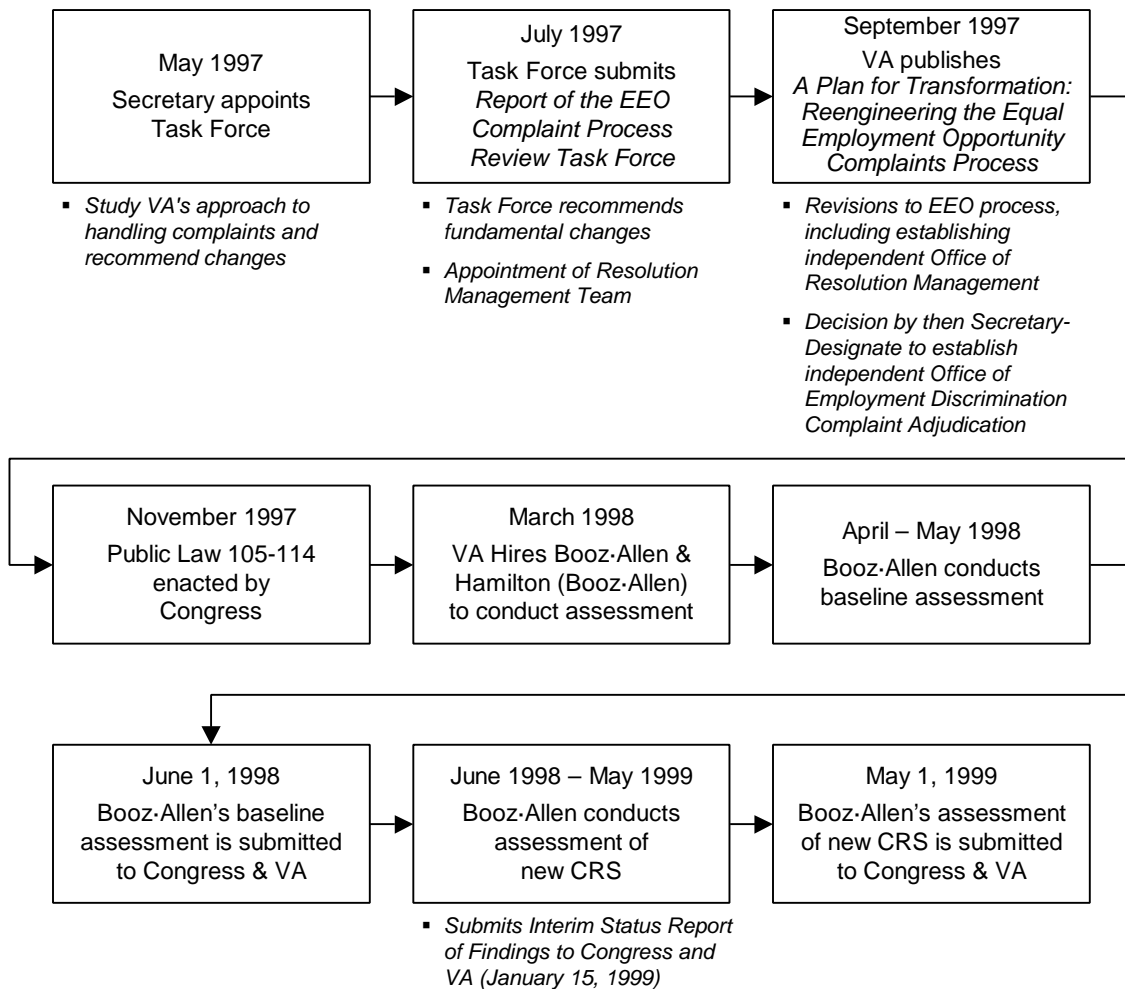
Effectiveness Assessment Area	Assessment Focus
<b>Training and Maintenance</b>	<ul style="list-style-type: none"> <li>• Programs that train and maintain individuals competent to investigate claims submitted to the CRS</li> <li>• Programs that train and maintain individuals competent to counsel individuals who submit claims to the CRS</li> </ul>
<b>Employee Education</b>	<ul style="list-style-type: none"> <li>• Programs that provide education and training to Department employees regarding their EEO rights and responsibilities</li> </ul>
<b>Administration</b>	<ul style="list-style-type: none"> <li>• A comprehensive description of the CRS as of the time of the assessment, and the extent to which the CRS is meeting the objectives and responsibilities outlined in Sections 101-103</li> <li>• Programs that oversee the administration of the CRS</li> </ul>
<b>Performance Measures/ Feedback Mechanisms</b>	<ul style="list-style-type: none"> <li>• Programs that evaluate the CRS's effectiveness in meeting its objectives</li> </ul>
<b>Other Program, Procedures, Activities</b>	<ul style="list-style-type: none"> <li>• VA's EEO programs, procedures, or activities, including alternative dispute resolution (ADR) procedures and informal dispute resolution and settlement procedures</li> </ul>
<b>Disciplinary Measures</b>	<ul style="list-style-type: none"> <li>• VA's disciplinary measures for employees who have in fact violated the EEO laws</li> <li>• Effect of these measures in preventing or deterring violations of EEO laws by other VA employees</li> </ul>

In response to Congress's mandate, the Secretary of Veterans Affairs contracted with the management and information technology consulting firm of Booz·Allen & Hamilton to conduct the assessment, after obtaining the approval of Congress.

Although passage of Public Law 105-114 in November 1997 formalized the need for VA to address the apparent lack of effectiveness of how EEO complaints were processed, changes were already underway within the Office of the Secretary. A timeline of events leading to the eventual Congressional mandate that an assessment be conducted and to this subsequent evaluation report is presented in Figure 5.<sup>4</sup>

<sup>4</sup> A detailed description of each step in the process, up to submission of this report, is contained in Booz·Allen's report entitled *Baseline Review of VA's EEO Complaint Resolution System*, pp. 1-2, June 1, 1998.

**Figure 5. Timeline of Events Relating to this Mandate for Evaluation**



VA's ultimate response to its internal EEO-related problems and Congressional inquiry was the development and implementation of the Office of Resolution Management (ORM), an organization within VA that functions independently of local VA management and is responsible for the intake and processing of EEO complaints. In addition, VA established the Office of Employment Discrimination Complaint Adjudication (OEDCA) to manage the adjudication of EEO complaints and to issue final agency decisions (FADs).





## 2.2 OBJECTIVES AND SCOPE

Booz·Allen was contracted by VA to evaluate the administration of the new CRS and to determine how well the new system meets the objectives set forth in Public Law 105-114. While Booz·Allen was conducting the study under the direction of the Deputy Assistant Secretary for the Office of Resolution Management, the company was acting independently of any influence from or favoritism toward VA, as requested by Congress. This report reflects our objectivity in conducting the assessment, identifying the findings, and presenting our conclusions and recommendations regarding VA's current CRS and the Department's EEO environment.

To ensure a full understanding of VA's then-existing EEO environment and complaint resolution process, Booz·Allen conducted a baseline assessment and provided Congress and VA with its *Baseline Review of VA's EEO Complaint Resolution System*, on June 1, 1998. Following completion of that baseline review, Booz·Allen began its assessment of the new CRS, which was designed and implemented by VA's Resolution Management Implementation Team.<sup>5</sup> The results of that evaluation are contained in this report.

This Report to Congress is designed to provide Congress and VA with a comprehensive assessment of VA's new CRS. Every effort has been taken to provide a thorough assessment of the effectiveness of the new CRS. However, the new CRS has only been operational for approximately fourteen months and, as such, there has not been a substantive amount of data collected to provide quantifiable assessments of the overall effectiveness of the system. Thus, the findings contained in this report are based primarily on document review, interviews with VA managers and ORM staff, and employee perceptions. Wherever possible, quantifiable data have also been included. (Refer to Section 2.3: Methodology, for additional information regarding our approach to conducting the assessment.)

Booz·Allen has undertaken many evaluative activities leading up to this Report to Congress. Throughout the assessment period, we provided updates to VA to ensure we were continuously sharing information that had been gleaned through each phase of this evaluation. Figure 6 provides a listing of these reports, and the dates when they were submitted.

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<sup>5</sup> See Department of Veterans Affairs' *A Plan for Transformation*, Office of the Assistant Secretary for Human Resources and Administration, September 1997.

**Figure 6. Reports Submitted in Support of the Assessment of VA's CRS**

<b>Report Title</b>	<b>Date Submitted</b>
Baseline Review of VA's EEO Complaint Resolution System	June 1, 1998
Evaluation of Three-Week Training Program for Intake Specialists, Counselors, and Investigators	July 31, 1998
Interim Report: Identification of Competencies and Behavioral Indicators for ORM's Intake Specialists, Counselors, and Investigators	January 14, 1999
Assessment of EEO Complaint Resolution System – Interim Status Report	January 15, 1999
Best Practices in EEO Complaint Resolution	May 1999
Survey Results from the Employee Opinion Survey on the New EEO Complaint Resolution System	May 1999
Validation of Competencies and Behavioral Indicators for ORM's Intake Specialists, Counselors, and Investigators	May 1999
Report to Congress: Assessment of the EEO Complaint Resolution System in the Department of Veterans Affairs	May 1, 1999

In Public Law 105-114, Congress outlined the areas to be assessed, as illustrated in Figure 4 (page 18). Booz-Allen relied on these areas, as well as our own experience in conducting assessments of EEO programs, to identify the assessment areas that would ensure a thorough evaluation of the new CRS. The assessment areas we identified and the corresponding Congressional focus areas that were captured during the assessment are shown in Figure 7.

**Figure 7. Assessing the New Complaint Resolution System**

Areas Assessed	Corresponding Focus Areas Identified by Congress
Overview of the new CRS	<ul style="list-style-type: none"> <li>• Comprehensive description of the CRS</li> </ul>
Key objectives of the new CRS	<ul style="list-style-type: none"> <li>• Extent to which CRS is meeting objectives and responsibilities</li> </ul>
Administration of the new CRS	<ul style="list-style-type: none"> <li>• VA's programs, procedures, or activities, including ADR procedures and informal dispute resolution and settlement procedures</li> </ul>
Complaint activity trend analysis – assessment of trends	<ul style="list-style-type: none"> <li>• Extent to which CRS is meeting objectives and responsibilities</li> </ul>
Performance measures of ORM, staff, and facilities	<ul style="list-style-type: none"> <li>• Programs that evaluate the CRS's effectiveness in meeting its objectives</li> </ul>
Outreach and collaboration with related programs	<ul style="list-style-type: none"> <li>• VA's EEO-related programs, procedures, or activities</li> </ul>
Adequacy of training in the new CRS	<ul style="list-style-type: none"> <li>• Programs that train and maintain individuals competent to counsel individuals who submit claims</li> <li>• Programs that train and maintain individuals competent to investigate claims submitted</li> <li>• VA's disciplinary measures for employees who have violated EEO laws</li> <li>• Effects of disciplinary measures in preventing or deterring violations of EEO laws by other VA employees</li> </ul>
Employee understanding and communication about the new CRS	<ul style="list-style-type: none"> <li>• Programs that provide education and training to employees regarding EEO rights and responsibilities</li> </ul>
Disciplinary measures	<ul style="list-style-type: none"> <li>• Effects of disciplinary measures in preventing or deterring violations of EEO laws by other VA employees</li> <li>• VA's disciplinary measures for employees who have violated EEO laws</li> </ul>
Employee perceptions of VA's EEO climate	<ul style="list-style-type: none"> <li>• Programs that provide education and training to employees regarding EEO rights and responsibilities</li> <li>• VA's disciplinary measures for employees who have violated EEO laws</li> <li>• Effects of disciplinary measures in preventing or deterring violations of EEO laws by other VA employees</li> </ul>
Managerial responses to EEO complaints	<ul style="list-style-type: none"> <li>• Programs that provide education and training to employees regarding EEO rights and responsibilities</li> <li>• VA's disciplinary measures for employees who have violated EEO laws</li> <li>• Effects of disciplinary measures in preventing or deterring violations of EEO laws by other VA employees</li> </ul>

Prior to presenting our findings, conclusions, and recommendations, we present a brief overview of the methodology applied in conducting the assessment activities, an overview of VA's new CRS, and a description of the remaining contents of this report.



## 2.3 METHODOLOGY

Our assessment of VA’s CRS incorporated multiple data collection approaches to enable us to answer a set of research questions outlined in Public Law 105-114, as well as other key research questions identified by Booz-Allen. Figure 8 displays the linkage between our methodologies and the key research questions. This framework guided our data collection efforts.

**Figure 8. Data Collection Approaches and Key Research Questions**

RESEARCH QUESTIONS	DATA COLLECTION APPROACH							
	Focus Groups	Interviews	Documentation Review	Employee Survey	Complaint Activity Trend Analysis	Best Practices Study	Training Evaluation	Competency Assessment
1. How effective is VA’s CRS relative to available standards?	✓	✓	✓	✓	✓	✓		
2. To what extent are ORM and OEDCA achieving their missions?	✓	✓	✓	✓	✓		✓	
3. To what extent is VA effective in training EEO Intake Specialists, Counselors, and Investigators?	✓	✓	✓	✓		✓	✓	✓
4. To what extent is VA effective in training and educating supervisory and non-supervisory employees in EEO and the new CRS?	✓	✓	✓	✓		✓	✓	
5. To what extent is VA effective in administering the CRS?	✓	✓	✓	✓	✓	✓	✓	
6. To what extent are there programs and mechanisms in place to evaluate the effectiveness of the CRS (and how effective are these programs and mechanisms)?		✓	✓		✓	✓		
7. To what extent is VA’s CRS effectively collaborating with related programs, procedures, and activities?	✓	✓	✓			✓		
8. To what extent is VA effective in issuing and enforcing disciplinary measures, and using these measures as deterrents for other employees?	✓	✓	✓	✓		✓	✓	
9. How has the new CRS impacted EEO workload?		✓			✓			
10. Do customers perceive that the CRS is meeting their needs?	✓	✓		✓				

We shared the research questions with ORM and OEDCA managers and with Congressional staff from the Senate Committee on Veterans Affairs.<sup>6</sup> Their review indicated that the answers to these research questions would satisfy the objective of this evaluation.

As reflected in the list of data collection approaches used in our assessment, we collected both qualitative and quantitative data. For example, interviews and focus groups provided qualitative data, which is advantageous for its richness. The survey provided quantitative data, which lends itself well to statistical analyses. We also collected both objective and subjective data. For example, the complaint activity analysis provided objective data; many of which are data tracked and reported by ORM. Interview and focus group protocols contained many opinion-based questions, which generated subjective data.

Regardless of the type of data collection effort, participants were assured of confidentiality. Results were aggregated so that no one individual's responses were identifiable. Our ability to offer participants this confidentiality helped to create a trusting environment in which participants in focus groups, interviews, the survey, and other activities could feel comfortable sharing their perspectives.

Each of the sources used to gather data for this report is discussed in more detail below. Please refer to the cited appendices or separate reports issued by Booz·Allen for additional information on these methodologies.

- **Ninety-Two Focus Groups with Randomly Selected VA Employees:** At each randomly selected facility (or set of neighboring facilities), we conducted two focus groups with non-supervisory employees and two with supervisory employees. We conducted a total of 92 focus groups, which included four at each of 22 field locations and four in the Central Office, over the course of three phases of data collection. The purpose for separating the non-supervisory employee and supervisory employee sessions was to facilitate open communication about EEO issues. Non-supervisory and supervisory employees were randomly selected from each site using a random number generator. See Appendix A for a detailed description of our site selection and participant sampling approaches.

As shown in Appendix A, results from focus groups were content-analyzed so that key themes could be identified. The open-ended question format of the protocol meant that each question could yield varied and multiple responses. As a way of quantifying the data, we report the themes that emerged in the greatest number of focus groups in response to each question. Appendix B provides a complete list of themes for each question asked in the focus groups.

Focus group data were collected at three separate times: April–May 1998, September–November 1998, and January–February 1999. Different staff from different facilities participated in focus groups at each of the three time frames. Accordingly, in the report, when we compare findings across time, we are comparing data collected from different facilities. However, because we used appropriate random sampling procedures to select

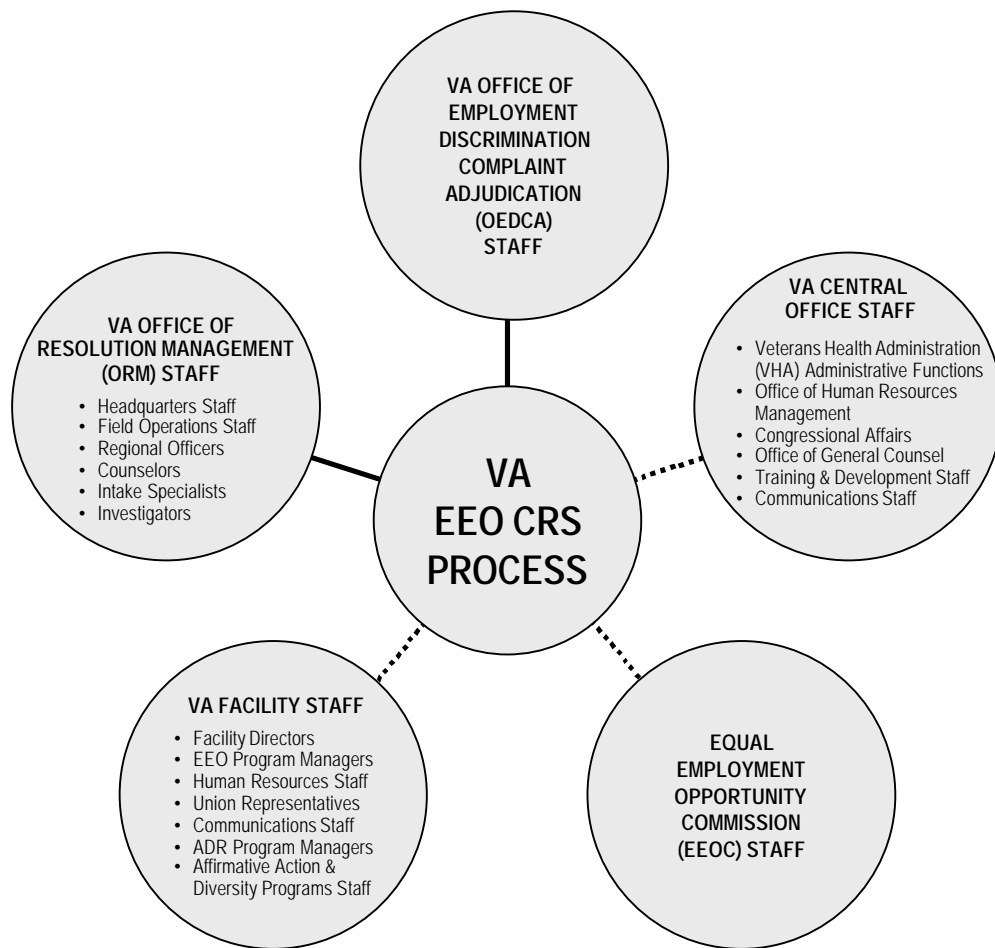
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<sup>6</sup> Note: Staff from the House Committee on Veterans Affairs were invited to attend the review meeting.

the facilities and participants, it is fair to generalize each set of findings to all VA facilities and to make comparisons across time.

- Interviews with Approximately 300 Employees Involved with the Current CRS:** We conducted interviews with approximately 300 employees over the course of three phases of data collection. After randomly selecting VA facilities for site visits, appropriate interviewees were identified. Additionally, we conducted interviews with Central Office staff. The interviews were conducted with personnel who were directly or tangentially involved with the current EEO system. These individuals included ORM Regional Officers, Intake Specialists, Counselors, and Investigators; ORM Headquarters Staff, ORM Office of Field Operations staff, OEDCA attorneys, Facility Directors, On-site EEO Program Managers, Union Representatives, Office of Equal Opportunity Program staff, Human Resources staff, Communications staff, Training and Development staff, individuals performing ADR, Legislative Affairs staff, Office of General Counsel staff, and EEOC staff. Figure 9 displays the array of interviewees. (Note that these interviewees were selected based on their subject matter expertise and not from a random sample; therefore, generalizations should be drawn with caution.)

**Figure 9. Array of Interviewees**





Similar to the focus group data, results from interviews were content-analyzed so that key themes could be identified. As a way of quantifying the data, we report the themes that emerged most frequently in response to each question. Appendix C provides a complete list of themes for each question asked in the interviews.

Also similar to the focus group data, interview data were collected at three separate times: April–May 1998, September–November 1998, and January–February 1999. At each data collection time, different employees in different facilities served as the interviewees. Accordingly, in the report, when we compare findings across time, we are comparing data collected from different facilities.

- **Documentation Review:** We reviewed numerous documents provided to us by VA and obtained through other sources. These documents included ORM procedures, OEDCA procedures, information on the new CRS, EEO complaint rate data, training manuals, human resources materials, EEOC directives, and VA regulations, among others. See Appendix D for a complete list of the documentation reviewed.
- **Employee Opinion Survey on the New CRS:** We developed and administered an *Employee Opinion Survey on the New EEO Complaint Resolution System* as a means of collecting quantitative data from a broad range of employees. The survey, which covered the new CRS and perceptions of VA’s EEO environment, was administered to a random sample of 3,400 VA employees. The resultant survey data are based on the responses of 1,363 employees (representing a 55 percent response rate). More detail on the development, administration, and analysis of the survey data can be found in Booz-Allen’s *Final Report on Survey Results From the Employee Opinion Survey on the New EEO Complaint Resolution System*.
- **Complaint Activity Trend Analysis:** We conducted an analysis to examine trends in complaint activity occurring at different stages of the new CRS. Our analysis was based on objective data tracking and statistical reports obtained from VA and external sources, as well as subjective data obtained in interviews and focus groups with ORM and VA staff.
- **Study of Best Practices in EEO Complaint Resolution:** We conducted a Best Practices Study of EEO complaint resolution systems to identify best practices employed by the public and private sectors. Our study included four private sector companies and three federal agencies that have been recognized by professional organizations as having outstanding EEO resolution and prevention practices. After analyzing the results, we identified ways in which ORM could incorporate best practices into the CRS. More detail on the research objectives and results can be found in Booz-Allen’s *Final Report on Best Practices in EEO Complaint Resolution*.
- **Evaluation of VA’s EEO-Related Training Programs:** As a means of assessing whether ORM staff were sufficiently prepared to handle their new roles, we evaluated the effectiveness of ORM’s training programs for Intake Specialists, Counselors, and Investigators. Several methods were used for evaluating the course content and the extent of learning being achieved by the participants including evaluator monitoring of

each lesson, evaluation forms for obtaining participant input, and scheduled discussion groups with participants. Furthermore, we evaluated the effectiveness of VA's EEO-related educational programs for employees. More detail on the methodology and analysis of our training evaluation can be found in Booz·Allen's *Final Report on Evaluation of Three Week Training Program for Intake Specialists, Counselors, and Investigators*.

- **Competency Identification Exercise with ORM Staff:** As a means of assessing the skills necessary to effectively perform in ORM positions, we evaluated the competencies that are necessary to perform the core ORM jobs, and how the hiring, training, and measurement of the staff match those competencies. Through exercises, the perceptions of the Intake Specialists, Counselors, and Investigators were obtained, validated, and subsequently compared with their job announcements, training opportunities, and performance standards. More detail on the methodology and analysis can be found in Booz·Allen's *Final Report on Validation of Competencies and Behavioral Indicators Identified by ORM's Intake Specialists, Counselors, and Investigators*.



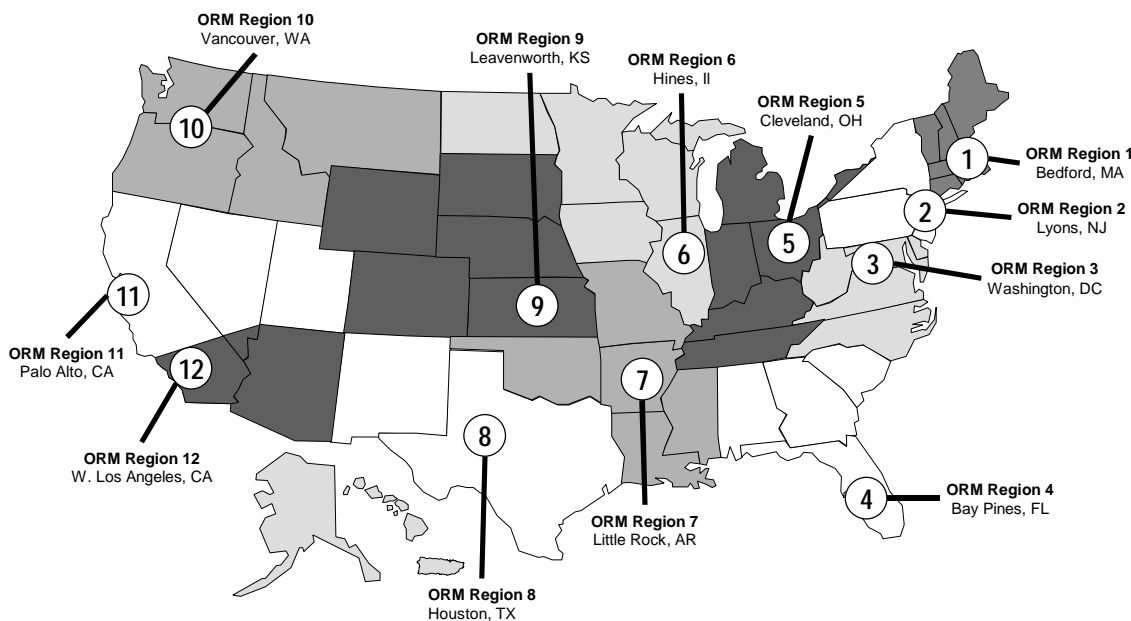
## 2.4 OVERVIEW OF VA’S NEW EEO COMPLAINT RESOLUTION SYSTEM

This section presents an overview of VA’s new CRS, and is intended to provide context to the findings contained in the remainder of the report. This section is based primarily on documentation review and informational interviews.

VA’s new CRS is managed by ORM and OEDCA, each of which has specific responsibilities. ORM is responsible for the intake and processing of EEO complaints for the entire VA organization. ORM is organizationally located in the Office of the Assistant Secretary for Human Resources. OEDCA was developed as a specialized unit responsible for EEO complaint adjudication. It reports to either the Secretary or the Deputy Secretary of VA. Other EEO functions (e.g., affirmative action, diversity programs) remain the responsibility of the On-site EEO Program Managers located at facilities throughout VA.

ORM is comprised of 246 full-time equivalents (FTEs) in the Deputy Assistant Secretary’s (DAS) Office, the Office of Field Operations, and 12 Field Offices. While ORM is headquartered in Washington, DC, its 12 Field Offices are located throughout the United States. OEDCA’s 21 FTE staff are located in Washington, DC. ORM’s 12 Regions are shown in Figure 10.

**Figure 10. ORM Field Offices**

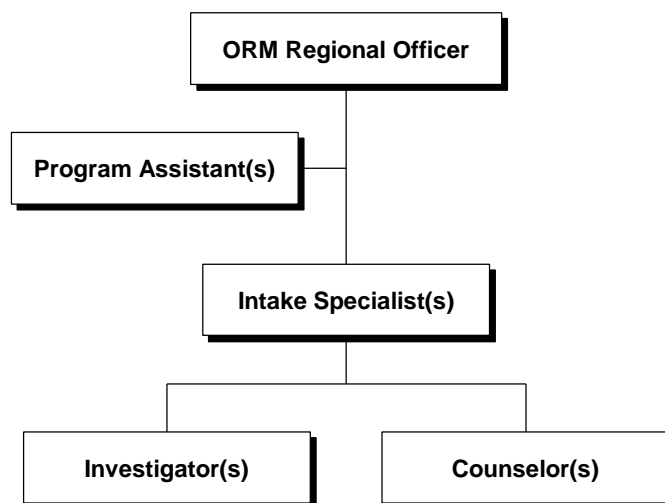


The DAS Office ultimately oversees the Office of Field Operations and the Field Offices. As such, the DAS Office is primarily responsible for planning, staffing, and strategic-level issues, as well as budgeting and forecasting. The Office of Field Operations has direct

oversight and management responsibility over the 12 Field Offices, handling various logistical and program-related issues (e.g., EEOC compliance, Alternative Dispute Resolution (ADR), CRS statistical reporting) pertaining to ORM’s operations. Finally, the 12 Field Offices are responsible for actually implementing and administering the CRS, and for guiding employees through the process.

ORM’s 12 Field Offices are led by Regional Officers. Program Assistants provide administrative support to the Field Offices. As indicated in Figure 11, the Regional Officers also oversee other staff, consisting primarily of Intake Specialists, Counselors, and Investigators. Typically within each Field Office the Intake Specialists serve as team leaders for their colleagues.

**Figure 11. Organizational Structure of ORM Field Offices**



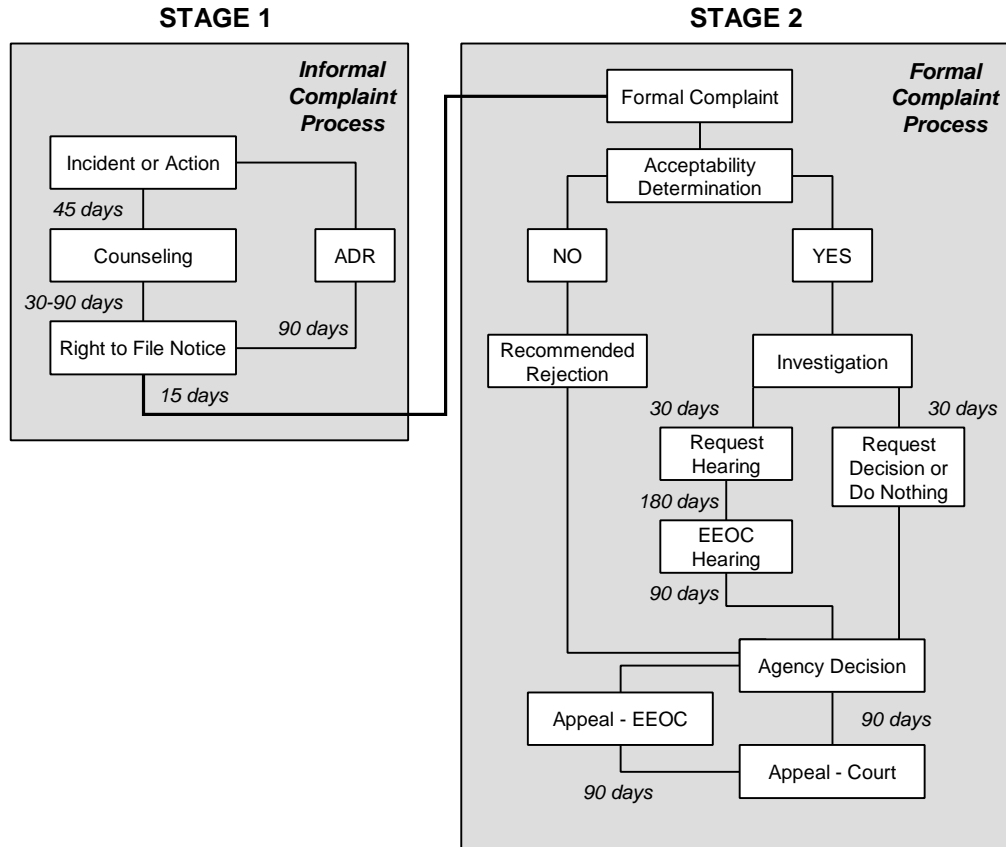
*Source: Organizational Charts of ORM Offices. In the majority of Field Offices, Intake Specialists oversee the work of both Counselors and Investigators. However, in some cases, Intake Specialists lead Counselors or Investigators, but not both.*

As part of the new CRS, employees who believe they have been the victims of harassment or discrimination can contact a toll-free telephone number, which will connect them with Counselors located in their regional Field Office. Counselors will then discuss the issue with employees, conduct fact-finding, and attempt resolution. There are other ways that employees can access the CRS besides the toll-free number; the more common methods are presented in bulleted form below:

- Employees may go to their local facility supervisor, On-site EEO Program Manager, or Union Representative, who can then provide a referral to the CRS.
- Employees may contact ORM Counselors directly.
- Employees may contact Headquarters directly to address their concerns.
- Employees may travel to any ORM Field Office location and meet with a Counselor in person.

Regardless of what steps an employee takes to use the CRS, there are two primary stages to the complaint resolution process itself. The process is graphically presented in Figure 12 and is described below.

Figure 12. The EEO Complaint Resolution Process



- Stage One, an “informal stage,” wherein the employee seeks information and guidance regarding resolution of a discrimination or harassment issue. Regulatory timeframes are provided for this stage, including 45 days from date of incident to file a complaint, and 30 days for the Counselor to collect information and attempt to identify a satisfactory resolution to the complaint. (The Counselor may request an extension of up to 60 days, providing the complainant agrees; however, according to the EEO Counselor Handbook, this practice is generally not encouraged.) If the issue has not been resolved, the Counselor sends the complainant a Right to File Notice.
- Stage Two, where the case proceeds through a “formal” process that may ultimately reach appeal in Federal courts. This stage of the process includes a formal investigation, and is typically handled by Intake Specialists and Investigators. Investigators in particular are assigned to conduct a formal investigation and prepare a report of findings within 180 days of filing the complaint, unless there is a written agreement for an extension. Central Office, OEDCA, and the EEOC may also become involved at the

formal stage. If the case goes to final appeal, the Federal District Court will have the final decision on the resolution of the case.

Under the *former* complaint resolution system, an employee who believed that he or she was a victim of an EEO violation contacted the facility's EEO Office or a Collateral Duty EEO Counselor to pursue rectifying the situation. (Note: each facility had at least one Collateral Duty EEO Counselor designated by the Facility Director.) The Counselor listened to the employee's complaint, informed the employee of the EEO process, and conducted some fact-finding activities. Although the Counselor's role was not to determine which party was at fault<sup>7</sup>, it appears that Counselors were sometimes able to effectively resolve situations before they escalated into formal complaints. The Counselor was not to serve as an advocate for either party, but rather to remain neutral throughout complaint discussions. Employees also had the option of having a Union Representative serve as an advisor throughout the EEO process.

An Investigator was then brought into the situation if the employee elected to file a formal complaint. It was the Investigator's responsibility to conduct whatever inquiry was necessary. This may have included, but was not limited to, taking statements from witnesses under oath and gathering pertinent documents and records. Throughout the process, the On-site EEO Program Manager generally maintained oversight of the case and ensured that applicable timeframes were met.

As discussed previously, under the new system, an employee with an EEO complaint has the option of taking the complaint to ORM. Much of the ensuing activities of the ORM Counselors and ORM Investigators parallel that which occurred under the old system. Accordingly, from the employee's perspective, Counselors are still available to them; however, the Counselors may be located elsewhere (not at the employee's facility).

At any stage in the new complaint resolution process, the employee can choose to try to resolve the concern through the use of ADR procedures. ORM is currently establishing its own formal ADR mechanism, thereby allowing employees to reach ORM staff trained in ADR techniques. If ADR is unsuccessful in reaching resolution, employees can rely again upon the two-stage CRS process to address their concerns.

During the period from October 1998 through March 1999, a total of 3,500 employees received EEO counseling from ORM in the informal stage (Stage One) as part of the new CRS. During this same period, a total of 1,122 complaints were filed in the formal stage (Stage Two) of the new CRS. As of March 31, 1999, there were 3,691 complaints pending in the formal stage of complaint processing.

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<sup>7</sup> EEO Counselor Handbook: A Reference Guide to Information Gathering and Informal Resolution (November 1991).

## 2.5 ORGANIZATION OF THIS REPORT

The remainder of this report is organized according to the major topical areas for which analysis has been conducted:

- 3.1 Summary Assessment of
- 3.2 Key Objectives of the CRS
- 3.3 Administration of the CRS
- 3.4 Complaint Activity Trends
- 3.5 Performance Measures/Feedback Mechanisms for CRS Performance
- 3.6 ORM Staff Performance Standards
- 3.7 Performance Feedback Mechanisms at VA Facilities
- 3.8 Mechanisms to Ensure Proper Use of the CRS – Techniques to Avoid Misuse
- 3.9 Outreach and Collaboration with Related Programs
- 3.10 Training of ORM Staff
- 3.11 Educating VA Employees about the New CRS
- 3.12 Disciplinary Measures
- 3.13 Perceptions of the EEO Climate
- 3.14 Managerial Responses to EEO Complaints

For each of the areas listed above, Booz·Allen presents findings, conclusions, and recommendations as appropriate. Appendices can be found at the end of this report providing detailed results from our focus group and interview activities, and other information as referenced.





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## 3. Findings, Conclusions, and Recommendations

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### 3.1 SUMMARY ASSESSMENT OF THE CRS

This section presents the overarching results of our assessment of VA's new CRS. Multiple methods of data collection were used to answer the question "Is VA's new CRS effective?" We provide references to the more detailed sections of this report.

#### 3.1.1 Summary Conclusions

*3.1.1.1 Overall, VA's new CRS effectively addresses problems inherent in VA's previous EEO complaint resolution system.*

The data that were collected from multiple sources indicate that VA's new CRS has effectively begun to address many of the problems of the previous EEO complaint resolution system, particularly employees' lack of trust in the system and the conflict of interest arising from having EEO complaint resolution staff report to facility management. In establishing an independent organization that is dedicated to processing EEO complaints, VA has effectively removed the EEO complaint resolution process from the control of local VA management.

The independence of ORM and OEDCA is recognized by VA employees. Supervisory and non-supervisory employees were asked, in focus groups, if the new CRS functioned independently from local VA management. While many respondents stated it was too early to answer these questions, most of those that did express an opinion indicated that the CRS does in fact function independently from local management. Additionally, while some supervisory employees expressed concerns that the new CRS favors the complainant, all non-supervisory employees in our focus groups indicated that the new system is an improvement over the previous one and that fairness will increase. Detailed findings related to this issue can be found in Sections 3.2.1.6 and 3.2.1.10.

*3.1.1.2 The establishment of the new ORM and OEDCA offices is consistent with an organization in development. The organizational infrastructures have been established; each office is continuing to develop its internal processes.*

ORM and OEDCA have either developed or are in the process of developing the administrative mechanisms to effectively manage the CRS. Figure 13 shows the status of various administrative mechanisms within ORM and OEDCA. Both ORM and OEDCA have staffed their organizations and have implemented a formal organizational structure. Additionally, they have established and communicated roles and responsibilities of staff positions. In terms of operations, both ORM and OEDCA have developed standard operating procedures (SOPs) for use by staff. As of the time of this writing, ORM's SOPs are in draft form.

**Figure 13. Status of the Administration of the CRS**

	Development	Implementation	Operation
Organization	██████████		
Staffing	██████████		
Performance Measures	██████████	██████████	
Roles & Responsibilities	██████████		
External Relations	██████████	██████████	
SOPs	██████████	██████████	
Root Cause Analysis	██████████	██████████	
Feedback	██████████	██████████	

As shown in Figure 13, many of ORM’s and OEDCA’s administrative mechanisms are still under development, which is not uncommon for a new organization. ORM and OEDCA are currently in the process of developing methods to measure CRS progress (and feed this information back to facilities), solidify external relations with VA facility staff and management, and assess the underlying causes of EEO complaint activity. In fact, ORM’s and OEDCA’s efforts aimed at determining and communicating underlying causes of EEO complaints are extremely innovative and go far beyond the reporting and analysis requirements outlined by EEOC.

*3.1.1.3 In answering the ten key research questions of this assessment, we have accumulated evidence indicating that ORM and OEDCA have effectively addressed the Congressional requirements outlined in Public Law 105-114.*

As described in Section 2.3 of this report, we developed ten high-level research questions to guide our assessment of VA’s new CRS. These questions were primarily driven by the Congressional requirements outlined in Public Law 105-114. In addition, we included key research questions based on the objectives of ORM and OEDCA, as well as Booz-Allen’s experience with program evaluation and EEO systems.

Figure 14 displays, for each key research question, a response based on the data collected, as well as the data collection approaches used. The figure also indicates where, within this report or in other reports previously submitted, additional information about each research question is located. The remainder of this report provides further detail about all areas of our assessment.

**Figure 14. Data-based Responses to Booz-Allen’s Research Questions**

Data-Based Response	Data Collection Approaches Used	Location of Additional Information
<b>Question 1. How effective is VA’s CRS relative to available standards?</b>		
<p>VA’s CRS is superior in comparison to best practices organizations, and to VA’s old EEO complaint resolution system. EEOC criteria do not exist for comparison purposes.</p>	<ul style="list-style-type: none"> <li>• Conducted interviews with EEOC representatives</li> <li>• Studied organizations with known best practices in EEO complaint resolution</li> <li>• Conducted interviews and focus groups with VA employees to determine how the system is perceived compared to the old</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS</li> <li>• Reviewed complaint data collected by ORM’s Office of Field Operations</li> <li>• Reviewed CRS documentation</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.2 of this report</li> <li>• Booz-Allen’s report: <i>Best Practices in EEO Complaint Resolution (Best Practices)</i></li> <li>• Booz-Allen’s report: <i>Survey Results from the Employee Opinion Survey on the New EEO Complaint Resolution System (Survey Results)</i></li> </ul>
<b>Question 2. To what extent are ORM and OEDCA achieving their missions?</b>		
<p>ORM and OEDCA are successfully meeting their objectives of independent operation, as well as improved quality, fairness, integrity, and trust. Data limitations prevent a comprehensive assessment of timeliness. ADR, as intended, is offered through facility programs where available. ORM is in the process of developing its own ADR program.</p>	<ul style="list-style-type: none"> <li>• Reviewed CRS documentation</li> <li>• Reviewed complaint data collected by ORM’s Office of Field Operations</li> <li>• Conducted interviews with ORM, OEDCA, and VA staff</li> <li>• Conducted focus groups with supervisory and non-supervisory employees at VA</li> <li>• Conducted evaluation of training program for ORM staff</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.2 of this report</li> <li>• Booz-Allen’s report: <i>Evaluation of Three-Week Training Program for Intake Specialists, Counselors and Investigators (Training Evaluation)</i></li> <li>• Booz-Allen’s report: <i>Survey Results</i></li> </ul>
<b>Question 3. To what extent is VA effective in training ORM Intake Specialists, Counselors, and Investigators? [Public Law 105-114, Section 103 (c) (2) (A, B)]</b>		
<p>ORM provided comprehensive introductory training to its EEO Intake Specialists, Counselors, and Investigators. However, staff need additional training in key performance areas. ORM recognizes this need and is developing solutions to provide staff with necessary training.</p>	<ul style="list-style-type: none"> <li>• Observed and evaluated ORM’s 3-week training session for Intake Specialists, Counselors, and Investigators</li> <li>• Conducted interviews with ORM’s training and development staff</li> <li>• Facilitated sessions with ORM staff who attended training</li> <li>• Conducted follow-up interviews with ORM staff once they have worked in their jobs for a period of time</li> <li>• Conducted a competencies assessment</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS and its staff</li> <li>• Conducted focus groups with ORM staff</li> <li>• Reviewed CRS and training documentation</li> <li>• Studied organizations with known best practices in EEO complaint resolution to provide for training comparison</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.10 of this report</li> <li>• Booz-Allen’s report: <i>Training Evaluation</i></li> <li>• Booz-Allen’s report: <i>Survey Results</i></li> <li>• Booz-Allen’s report: <i>Competencies and Behavioral Indicators</i></li> <li>• Booz-Allen’s report: <i>Best Practices</i></li> </ul>

Data-Based Response	Data Collection Approaches Used	Location of Additional Information
<b>Question 4. To what extent is VA effective in training and educating supervisory and non-supervisory employees in EEO and the new CRS? [Public Law 105-114, 103 (c) (2) (C)]</b>		
<p>There is inconsistent quality in the EEO-related training provided to employees throughout the VA. This inconsistency pertains to training on the new CRS as well as other types of EEO training, and can largely be attributed to the experience level of the instructor.</p>	<ul style="list-style-type: none"> <li>• Conducted interviews with Training and Development staff</li> <li>• Conducted focus groups with supervisory and non-supervisory employees</li> <li>• Reviewed printed communication materials about the new CRS and other EEO-related topics</li> <li>• Administered survey to random sample of VA employees to assess the extent of their knowledge of the new CRS</li> <li>• Conducted evaluation of training for VA staff</li> <li>• Studied organizations with known best practices in EEO complaint resolution to provide for training comparison</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.11 of this report</li> <li>• Booz-Allen's report: <i>Survey Results</i></li> <li>• Booz-Allen's report: <i>Best Practices</i></li> </ul>
<b>Question 5. To what extent is VA effective in administering the CRS? [Public Law 105-114, Section 103 (c) (2) (D)]</b>		
<p>ORM and OEDCA have developed, or are in the process of developing, the administrative mechanisms necessary for successful operation of the CRS. Current concerns include a short-term staffing shortage in the Intake Specialist and Investigator positions.</p>	<ul style="list-style-type: none"> <li>• Conducted interviews with ORM and OEDCA staff</li> <li>• Reviewed Standard Operating Procedures (SOPs) established by ORM and OEDCA</li> <li>• Reviewed other organizational documentation</li> <li>• Conducted focus groups with ORM and VA staff</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS</li> <li>• Reviewed complaint data collected by ORM's Office of Field Operations</li> <li>• Conducted evaluation of training for ORM and VA staff</li> <li>• Studied organizations with known best practices in EEO complaint resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.3 of this report</li> <li>• Booz-Allen's report: <i>Survey Results</i></li> <li>• Booz-Allen's report: <i>Training Evaluation</i></li> <li>• Booz-Allen's report: <i>Best Practices</i></li> </ul>
<b>Question 6. To what extent are there programs and mechanisms in place to evaluate the effectiveness of the CRS (and how effective are these programs and mechanisms)? [Public Law 105-114, Section 103 (c) (2) (E)]</b>		
<p>ORM has a vision for monitoring its programmatic performance against standards beyond those required by external regulations, and is in the process of establishing performance measurement and feedback mechanisms. This study is a formal Program Evaluation, and can serve as model for future efforts.</p>	<ul style="list-style-type: none"> <li>• Reviewed reports generated by ORM</li> <li>• Conducted interviews with ORM and OEDCA staff as well as VA facility staff who interact with these organizations</li> <li>• Reviewed performance standards of ORM and OEDCA staff</li> <li>• Studied organizations with known best practices in EEO complaint resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 3.5 through 3.8 of this report</li> <li>• Booz-Allen's report: <i>Best Practices</i></li> </ul>
<b>Question 7. To what extent is VA's CRS effectively collaborating with related programs, procedures, and activities? [Public Law 105-114, Section 103 (c) (2) (F)]</b>		
<p>ORM and OEDCA do not routinely collaborate with staff in EEO-related programs at VA facilities. Additionally, the relationship between ORM and facility EEO staff is sometimes strained.</p>	<ul style="list-style-type: none"> <li>• Conducted interviews with ORM, OEDCA, and facility staff</li> <li>• Facilitated focus groups with VA non-supervisory and supervisory employees</li> <li>• Reviewed pertinent documentation</li> <li>• Studied organizations with known best practices in EEO complaint resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Section 3.9 of this report</li> <li>• Booz-Allen's report: <i>Best Practices</i></li> </ul>

Data-Based Response	Data Collection Approaches Used	Location of Additional Information
<b>Question 8. To what extent is VA effective in issuing and enforcing disciplinary measures, and using these measures as deterrents for other employees? [Public Law 105-114, Section 103 (c) (2) (G)]</b>		
<p>Overall, the effectiveness of VA disciplinary measures as a deterrent is limited. Limitations are imposed by the process through which discipline is imposed, lack of accurate information, and disbelief that discipline is fairly administered. ORM and OEDCA lack any direct control over discipline that is administered for EEO offenses; discipline decisions are made by facility management.</p>	<ul style="list-style-type: none"> <li>• Conducted interviews with ORM staff, OEDCA staff, facility staff, and VA central office staff involved in the discipline process</li> <li>• Facilitated focus groups with VA non-supervisory and supervisory employees to gauge their perspectives on effectiveness of discipline and their perceptions of the EEO climate at VA</li> <li>• Reviewed policies and procedures related to the discipline process</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS</li> <li>• Conducted evaluation of training related to the discipline process for ORM and VA staff</li> <li>• Studied organizations with known best practices in EEO complaint resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 3.12 through 3.14 of this report</li> <li>• Booz-Allen's report: <i>Survey Results</i></li> <li>• Booz-Allen's report: <i>Best Practices</i></li> </ul>
<b>Question 9. How has the new CRS impacted EEO workload?</b>		
<p>An increase in complaints, as well as the backlog from VA's old EEO complaint resolution system, has resulted in an excessive workload on ORM's Intake Specialists and Investigators. OEDCA has effectively reduced the backlog of complaints needing adjudication from the old system.</p>	<ul style="list-style-type: none"> <li>• Reviewed complaint data collected by ORM's Office of Field Operations</li> <li>• Conducted interviews with ORM and OEDCA staff</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 3.3 and 3.4 of this report</li> </ul>
<b>Question 10. Do customers perceive that the CRS is meeting their needs?</b>		
<p>Many employees perceive that it is too soon to tell if the new CRS will meet their needs. However, the responses from our focus groups indicate that non-supervisory employees are optimistic that the new system will be an improvement over the old system. Supervisory employees expressed less positive reactions, fearing that the new system will benefit complainants rather than seek "truth" or a fair resolution.</p>	<ul style="list-style-type: none"> <li>• Facilitated focus groups with non-supervisory and supervisory VA employees</li> <li>• Administered survey to random sample of VA employees to assess their perceptions of the new CRS</li> <li>• Conducted interviews with ORM and VA staff</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 3.2, 3.11, 3.12, 3.13, and 3.14 of this report</li> <li>• Booz-Allen's report: <i>Survey Results</i></li> </ul>



### 3.2 KEY OBJECTIVES OF THE CRS

A critical measure of an organization’s effectiveness is the extent to which it is meeting its key objectives. With this in mind, Booz·Allen has evaluated the new CRS against its own key objectives as identified in *A Plan for Transformation*. Our analysis focused on the following issues:

- Timeliness of the CRS
- Fairness, Integrity, and Trust (FIT)
- Quality
- Independence from VA management
- Availability of ADR.

Booz·Allen’s findings are derived from several quantitative and qualitative data sources. These sources include focus groups, interviews, workload data, surveys, and the best practices study on the complaint resolution systems of Federal and private sector organizations. Additional detail from our interviews and focus groups can be found in Appendix B (Questions 1–8) and Appendix C (Questions 1–27).

#### 3.2.1 Findings

*3.2.1.1 Less time was required in FY 98 than in FY 97 to close a complaint; however, the average number of days from filing to closure still exceeds previous levels.*

Federal agencies are required to submit an annual report of discrimination complaint activity to the EEOC. VA reported that of the 1,328 formal complaints recorded as closed in FY 98, the average complaint required approximately 419 days to process. This information is reflected in Figure 15.

**Figure 15. Number of Days to Closure**

	Total Number of Closures	Total Number of Days	Average Number of Days from Filing to Closure
<b>FY 1996</b>	2,096	795,432	380
<b>FY 1997</b>	2,036	919,070	451
<b>FY 1998</b>	1,328	555,929	419

Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints.

Note: Averages have been rounded to the nearest whole number.

As shown in Figure 15, timeliness in formal complaint processing improved between FY 97 and FY 98. However, both the FY 97 and FY 98 levels represent longer average processing times than what was recorded in FY 96. In fact, the FY 97 and FY 98 processing



times are the longest since FY 89, when 479 days were required to process an average complaint.<sup>8</sup>

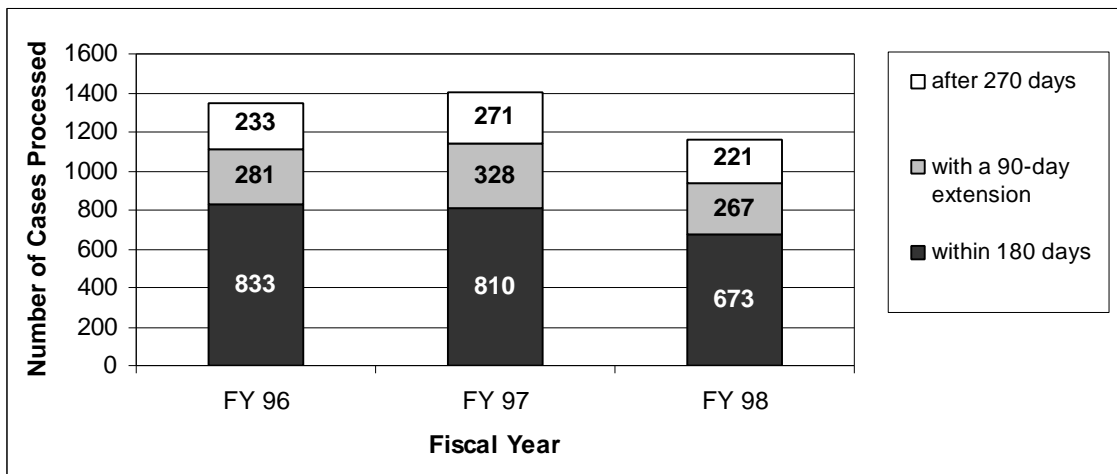
To provide additional perspective regarding the results shown above, the most recently cited government-wide complaint processing average was 379 days.<sup>9</sup> While it appears that timeliness may be improving under the new CRS on the basis of FY 98 data, there is still much room for improvement. However, the data above must be interpreted carefully since many of the Field Offices were undergoing transition during the FY 98 reporting period and not all formal complaints may have been recorded. In addition, the FY 98 data may reflect closures that occurred during the operations of the former complaint resolution system.

3.2.1.2 *The timeliness of completing investigations has remained relatively stable across the past three fiscal years. However, agency-led investigations required less time than contractor-led investigations in FY 98.*

A key component affecting complaint timeliness pertains to the investigative stage, and specifically the extent to which investigations are completed and notices issued within three timeframe categories – within 180 days, with a 90-day extension, and after 270 days.

Figure 16 displays the timeframes within which complaint cases were processed during FY 96, FY 97, and FY 98.

**Figure 16. Time to Complete an Investigation**



Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints.

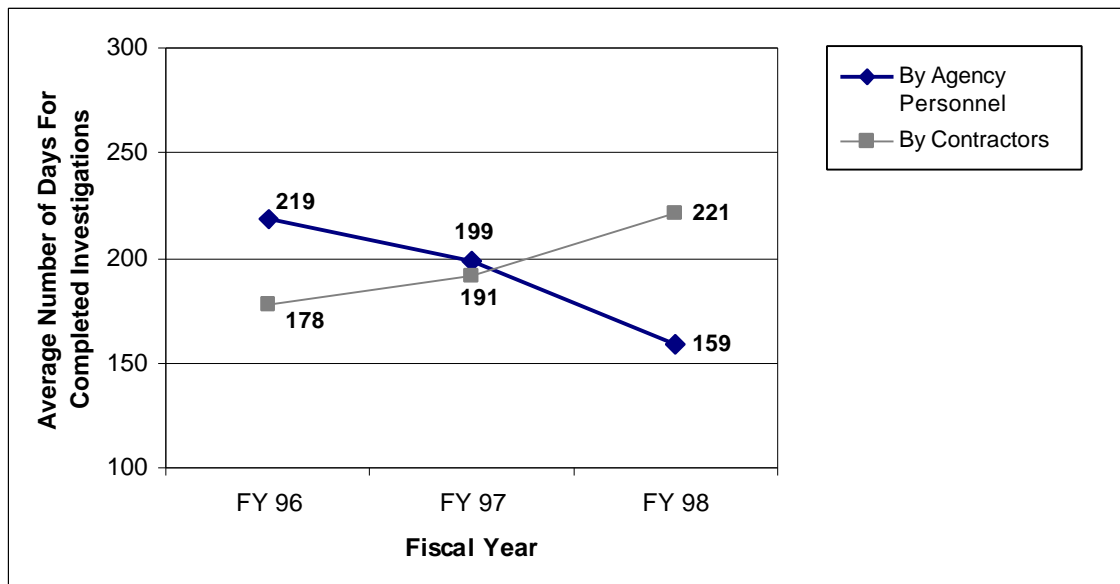
<sup>8</sup> Office of Equal Opportunity: Budget, FTE, and Complaint Summary (October 1, 1996).

<sup>9</sup> EEOC’s Federal Sector Report on EEO Complaints Processing and Appeals, FY 96.

As shown in Figure 16, fewer investigations were reported as completed in FY 98 than during the previous two fiscal years. This corresponds with the fewer number of total closures reported during FY 98, as discussed earlier. A total of 1,161 investigations were reported as completed in FY 98 within one of the three timeframe categories shown above. In reviewing the data shown, the proportion of investigations completed within stated timeframes in the past three fiscal years has remained relatively constant. In FY 98, approximately 58 percent of the investigations completed occurred within 180 days. Nearly 23 percent required a 90-day extension, and 19 percent required more than 270 days to complete.

Booz·Allen also analyzed quantitative data regarding the average number of days required to complete an investigation conducted by VA employees, as compared to an investigation led by contractors. This information is shown in Figure 17.

**Figure 17. Contractor versus VA Led Investigations**



Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints.

Note: Averages have been rounded to the nearest whole number.

As shown in Figure 17, the average number of days required for VA personnel to complete an investigation declined approximately 27 percent between FY 96 and FY 98. In contrast, the average number of days for contractors to complete an investigation increased approximately 24 percent. The data suggest greater expediency and efficiencies in the completion of investigations by VA staff as compared to contractors for FY 98.

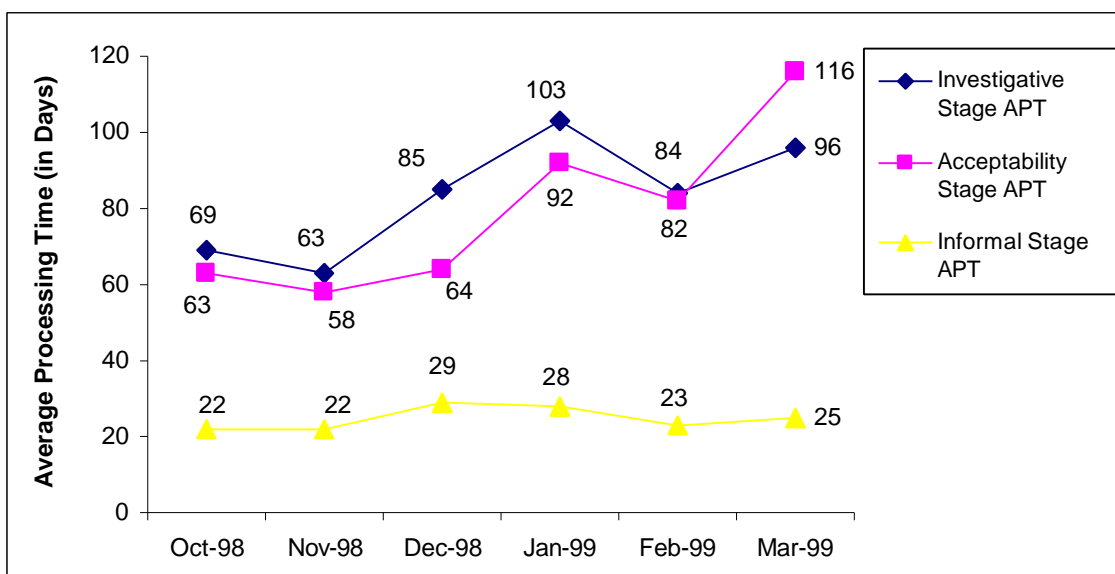
A limitation to the data shown above regarding the timeliness of completed investigations is that they can reflect investigations that originated and/or were completed prior to ORM’s formation. The total number of investigations and average number of days

required for completed investigations simply refers to those investigations that were completed during that fiscal year. Therefore, it is difficult to make generalizations to the timeliness of investigations under the new CRS.

3.2.1.3 *The current backlog of cases from the previous system has increased the complaint processing time of the new system.*

Despite several limitations inherent in the FY 98 data with respect to applicability to the new CRS, Booz-Allen did review additional quantitative data specifically pertaining to the new system. In particular, we investigated average processing times (calendar time, not effort) at various stages of the complaint resolution process. This information is reflected in Figure 18, and represents data collected by ORM from October 1998 through March 1999.

**Figure 18. Breakdown of Average Processing Times by Stage**



Sources: Data obtained from Monthly and ORM Workload Summary Reports.

Note: Figures have been rounded to the nearest whole number. Data represent approximations, as several Field Offices did not report average processing time information for some months.

The average processing times shown above reflect the average number of days required for a complaint to be processed through a particular stage of the CRS. Figure 18 indicates that the average processing times recorded during the informal stage remained relatively stable. During this stage in the process, ORM Counselors are required to complete their work within the same 30-day period given to Counselors under the old system. However, processing times significantly increased during the acceptability and investigative stages handled by the ORM Intake Specialists and Investigators.

While comprising only six months of complaint activity, the findings discussed here reflect a general upward trend in the number of days required to process a complaint. This result may be reflective of the current complaint backlog situation within ORM. As

discussed in Section 3.4 of this report, a total of 3,691 formal complaints were recorded as pending as of March 31, 1999 – representing a gradual increase of 34 percent from the FY 98 reported level. Many, if not all, of these complaints require involvement by the Intake Specialists and/or Investigators.

*3.2.1.4 Employees at VA are largely unaware of any improvements in the timeliness of EEO complaint processing.*

In conjunction with our analysis of the workload data, Booz-Allen conducted several focus groups with VA employees in which we assessed their perceptions of ORM's timeliness in processing EEO complaints.

Most focus group participants felt that it was either too early to evaluate the system or that they did not have enough information about timeliness to offer their opinions. However, among the participants who did respond to this issue, opinion was split regarding timeliness. Some employees felt that the new CRS had improved, but the length of time from filing a complaint to resolution was still too long. Others felt that the new system was not able to resolve complaints more quickly than did the old system. In addition, results from the employee survey showed that only 19 percent of non-supervisory employees and 22 percent of supervisory employees asserted that EEO complaints were resolved in an appropriate amount of time. Reconciling this information with our workload data analysis, it seems that the small gains ORM has made in regards to timeliness of the formal complaint resolution process are not noticed by and do not impact the system user.

*3.2.1.5 ORM staff feel that the new system improves upon fairness, integrity, and trust in relation to the previous system.*

Fairness, integrity, and trust (FIT) are concepts that ORM has determined to be crucial to the success of their organization. ORM has incorporated these concepts into their organizational motto and has continually stressed them to all ORM staff.

When discussing these concepts with ORM staff during interviews, it was widely reported that ORM has established FIT (see Figure 19). Most staff members indicated ORM is able to achieve higher levels of FIT because of several organizational factors, including their separation from local VA facilities and the addition of full-time staff.

**Figure 19. One of ORM's goals is to exhibit fairness, integrity, and trust in the complaint resolution process. How has ORM worked toward this goal? Do you think that FIT have increased under the new system compared to the old system? How so?**

<b>COMMON THEMES FROM INTERVIEWS<sup>10</sup></b>	
<b>Interviewees: Regional Officers, Intake Specialists, Counselors, and Investigators</b>	
<ul style="list-style-type: none"> <li>• Yes, FIT have increased (57)</li> <li>• No, FIT have not increased (9)</li> <li>• Too soon to tell (4)</li> </ul>	

As shown in Figure 19, interviewees indicated that the establishment of ORM as a separate entity will promote confidentiality and remove the appearance of bias. Additionally, interviewees indicated that hiring full-time staff increases the level of professionalism and expertise by allowing Intake Specialists, Counselors, and Investigators to focus exclusively on the resolution of EEO complaints. It is worth noting that ORM staff responses were increasingly positive as the program was given time to develop.

*3.2.1.6 VA employees trust the new CRS to be both fair and honest.*

When the general VA employee population was asked about FIT, the responses matched the optimism of the ORM staff. VA employees from the non-supervisory focus groups stated that the new system would be better than the old system in terms of FIT. Consistent with ORM staff, VA employees indicated that being removed from the facility, plus the addition of full-time staff will allow ORM to achieve FIT. These alterations to the CRS have increased FIT and reduced employee mistrust of the system. In Booz·Allen's baseline study, mistrust of the CRS was reported as a primary reason for under-use of the system. This theme did not emerge from the focus groups conducted in September–November 1998 and January–February 1999. The actual employee responses can be seen in Figure 20.

**Figure 20. Do you think that ORM has exhibited fairness, integrity, and trust during the counseling, investigation, and resolution of EEO complaints?**

<b>COMMON THEMES FROM FOCUS GROUPS</b>	
<b>Non-Supervisory Employees</b>	<b>Supervisory Employees</b>
<ul style="list-style-type: none"> <li>• The new system will be better than the old system (4)</li> <li>• Full-time staff will improve FIT (3)</li> <li>• Establishing ORM as a separate entity will improve FIT (3)</li> </ul>	<ul style="list-style-type: none"> <li>• Too soon to tell (8)</li> <li>• CRS is biased in favor of the complainant (4)</li> <li>• Yes, FIT has improved (3)</li> <li>• ORM staff lacks professionalism (2)</li> </ul>

<sup>10</sup> Note: The numbers in parentheses in this figure and other figures showing common themes from interviews or focus groups indicate the number of times a theme was raised in response to a question. Some interviewees responded to a question with more than one theme, therefore the number of responses to a given question may exceed the number of people interviewed. Unless noted otherwise, all numbers represent combined total responses from September through November 1998 and January through February 1999 site visits.

In contrast to the non-supervisory employee focus groups, the supervisory employee focus groups indicated an element of mistrust. As Figure 20 shows, supervisory employees raised concerns that included ORM’s bias in favor of the complainant and a lack of professionalism. Supervisory employees also indicated that the removal of on-site Counselors and the reliance upon the telephone as the primary method of contact reduces that trust in the CRS.

It is important to note that the themes reported here are based on the majority of responses and not a consensus. There were many supervisory employees who declined to offer an opinion because they felt it was too soon to answer this question. In addition, some supervisory employees reported that ORM has exhibited FIT in the resolution of EEO complaints. Similar to these findings, results from the employee survey showed that considerably more than half of the respondents were not sure about the extent to which ORM demonstrates FIT. However, of those respondents with an opinion, more respondents than not felt that ORM handles EEO complaints with FIT.

*3.2.1.7 Timeliness, objectivity, confidentiality, and professionalism were all recognized by ORM staff and VA employees as cornerstones to a “quality” system.*

When establishing the new CRS, another key objective identified in *A Plan for Transformation* was quality. The system was designed to deliver services in a quality manner. Interviews with ORM staff and focus groups with VA employees addressed the quality issue by first asking for a definition of quality and then asking whether or not ORM was meeting these definitions of quality.

Definitions of quality were many and included several themes. First, employees of both ORM and VA suggested that timeliness was a major component of quality. Also included in the employees’ definitions were objectivity, confidentiality, and a professional staff.

**Figure 21. Does ORM provide services in a quality manner? What does the term quality mean to you?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• Don’t know (9)</li> <li>• Yes, ORM provides quality services (3)</li> </ul> <p>Definitions</p> <ul style="list-style-type: none"> <li>– Timeliness (4)</li> <li>– Objectivity (4)</li> <li>– Confidentiality (4)</li> <li>– Less paperwork (1)</li> <li>– Helpful (1)</li> <li>– Thorough (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Don’t know (6)</li> <li>• Yes, ORM provides quality services (2)</li> <li>• No, ORM does not provide quality services (4)</li> </ul> <p>Definitions</p> <ul style="list-style-type: none"> <li>– Timeliness (5)</li> <li>– Friendly (3)</li> <li>– Communication (2)</li> <li>– Objective (2)</li> <li>– Professional (1)</li> <li>– Confidential (1)</li> <li>– Accurate (1)</li> </ul>

*3.2.1.8 VA employees were hesitant to judge the “quality” of the new CRS but many agreed that the quality of the system was an improvement over the previous system.*

As seen in Figure 21, the majority of VA employees in our focus groups felt that they were unable to determine the quality of the services provided by ORM because they have not had much experience with the new system. However, among the responses from the VA employees who did answer this question, the majority stated that ORM provides quality services. The only negative responses came from the supervisory employee focus groups where there was less support for the idea that ORM was providing quality services. Some supervisory employees indicated that ORM staff are overworked and the emphasis is on quantity rather than quality. Other groups questioned the neutrality of ORM and think that ORM staff are poorly trained in customer service skills. There were no similar comments made during any of the non-supervisory employee groups. This difference in opinion is consistent with earlier statements made by supervisory employees who perceive that the system is in favor of the complainant (see Figure 20). Overall, VA employees are optimistic that the new system will improve the overall quality of complaint resolution, but, barring any personal experience with the system, lack evidence of improved quality.

Survey participants were asked if, in general, the new CRS is an improvement over the previous system. Large percentages of respondents (77 percent of non-supervisory employees and 70 percent of supervisory employees) were uncertain about whether the new CRS was an improvement over the former CRS. However, for those with a definite opinion, more respondents than not tended to agree that the system was an improvement.

*3.2.1.9 ORM staff indicated that “quality” has improved under the new CRS. They provided several internal methods for measuring and ensuring “quality” services.*

ORM staff are confident that their system is better than the old system. Intake Specialists, Counselors, and Investigators firmly stated that their system is providing quality service and pointed to several internal procedures that ensured a quality product. ORM staff agreed that they were given better training than they were under the old system. Plus, as full-time staff members they are better able to commit to the process than were Collateral Duty Counselors. According to staff, another important step to ensuring quality is their current system for report writing. Most Field Offices indicated that reports are frequently reviewed by supervisors and their peers. This additional step has led to an overall improvement in the reports and decisions made by ORM. Figure 22 displays the common themes from the ORM Intake Specialists’, Counselors’, and Investigators’ responses.

**Figure 22. ORM also strives to provide complaint resolution services in a quality manner. How has ORM worked toward this goal? Do you think that the quality of complaint resolution services has increased under the new system compared to the old system? How so?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: ORM Intake Specialists, Counselors, and Investigators</b>
<ul style="list-style-type: none"> <li>• Yes, quality has improved (40)                             <ul style="list-style-type: none"> <li>– Better training and resources for ORM staff</li> <li>– Full-time staff</li> <li>– More detailed reports</li> <li>– Staff reviews each others' work</li> <li>– Timeliness has improved</li> <li>– Professional staff</li> <li>– Increased communication</li> </ul> </li> <li>• No, quality has decreased (4)</li> <li>• Quality has remained the same (2)</li> </ul>

ORM Regional Officers agreed with Intake Specialists, Counselors, and Investigators that these internal procedures have contributed to an overall improvement in quality. Additionally, they pointed to the reduction in EEOC remands (as compared to remands under the previous system) as evidence of the improvement in quality. Figure 23 displays the common themes from the ORM Regional Officers' responses.

**Figure 23. The CRS is determined to make decisions of the highest quality. How is quality defined? How is quality measured? Do you think decisions that have been made are of high quality? Please explain.**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: Regional Officers</b>
<ul style="list-style-type: none"> <li>• Yes, decisions are of a high quality (9)</li> </ul> <p>Definitions of quality</p> <ul style="list-style-type: none"> <li>– Timeliness (4)</li> <li>– Professional staff (4)</li> <li>– Know the facts of the case (4)</li> <li>– Decisions based on case law (2)</li> <li>– Decisions are fair (2)</li> </ul> <p>How quality is measured</p> <ul style="list-style-type: none"> <li>– Supervisors' assessments of written reports (4)</li> <li>– EEOC remands (3)</li> <li>– Performance standards (2)</li> <li>– How well staff works together (2)</li> </ul>

**3.2.1.10** *ORM staff, VA employees and Facility Directors stated that ORM is operating independently from VA facilities.*

ORM was designed to be independent of local VA management. In interviews, Booz-Allen solicited the opinions of ORM staff, VA employees and Facility Directors about



the extent to which ORM is operating independently. Common themes from our interviews are displayed in Figure 24.

In general, all three groups perceive that ORM is operating independently. This perception has increased since our original data collection efforts in September – November 1998. There were some ORM staff who expressed concern at that time that ORM had not achieved total independence. However, by the second round of interviews in January–February this theme did not present itself. A small percentage of responses from the earlier round of interviews indicated that ORM was too reliant upon the facilities for information and advice. In the second round of interviews, most of the ORM staff who were interviewed reported that ORM is independent of the facilities. In addition to these results, the employee survey showed that respondents were more likely than not to report that Facility Directors do not determine the outcome of EEO cases – thus reinforcing the issue of independence.

**Figure 24. To what extent has the new CRS functioned independently from local VA management?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: Regional Officers, Intake Specialists, Counselors, Investigators, Facility Directors, and On-site EEO Program Managers</b>	
<ul style="list-style-type: none"> <li>• ORM is independent of local VA management (110)</li> <li>• ORM is not entirely independent of local VA management (19)                             <ul style="list-style-type: none"> <li>– ORM shares information with VA facilities</li> <li>– Some Regional Officers used to work at the facilities they now serve</li> </ul> </li> <li>• ORM is independent but this is not good (7)                             <ul style="list-style-type: none"> <li>– Program Managers and Facility Directors resent the loss of control</li> </ul> </li> </ul>	

When this same question was presented to VA employees during focus groups, they responded similarly. Aside from those groups who felt it was too soon to tell if the system operated independently, the majority of focus group participants (supervisory and non-supervisory employees) agreed that the system operated as designed, independent of local VA management. Common themes from our focus groups are displayed in Figure 25.

**Figure 25. Does the system function independently from local VA management as intended?**

<b>COMMON THEMES FROM FOCUS GROUPS</b>	
<b>Non-Supervisory Employees</b>	<b>Supervisory Employees</b>
<ul style="list-style-type: none"> <li>• Yes, the CRS functions independently (8)</li> <li>• Too soon to tell (7)</li> <li>• No, the CRS does not function independently (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Too soon to tell (12)</li> <li>• Yes, the CRS functions independently (8)</li> <li>• No, the CRS does not function independently (2)</li> <li>• It is designed to function independently (2)</li> </ul>

*3.2.1.11 Some Facility Directors expressed concern that ORM's independence could damage the resolution of EEO complaints. This concern was also raised by a small percentage of ORM staff and VA employees.*

Each discussion of independence, whether in a focus group or an interview, included an assessment of the benefits of independence versus the limitations. Overall both ORM staff and VA employees felt that independence will benefit the CRS and help it increase fairness, integrity, and trust. However, the idea that independence from local facilities could be a drawback to the new system was voiced by some Facility Directors, as well as several ORM staff and VA employees. The primary concern of those who felt the system would be weakened by the change is that lack of communication and/or coordination between ORM and the facilities will inhibit early resolution of complaints. Additionally, some VA employees felt that on-site Counselors are more capable of understanding the unique situation present at each facility and could explore other options (outside of a formal complaint) that could lead to early resolution. ORM staff indicated that facility management and the on-site EEO program staff might be resentful of losing their role in the CRS and actively work against ORM.

*3.2.1.12 Alternative Dispute Resolution is currently offered to employees through the VA facilities, when such a program exists. ORM is in the process of developing its own formal ADR program.*

The EEOC recently drafted a proposed rule requiring EEO complaint resolution systems to offer employees the option of using alternative dispute resolution (ADR)<sup>11</sup>. ADR refers to procedures for settling disputes by means other than litigation. Examples include arbitration, mediation, mini-trials, fact-finding, peer review, and negotiation<sup>12</sup>. Currently, ORM provides referrals to local VA facility ADR programs when they are available and the complainant chooses to use the ADR mechanism. A limitation of the current arrangement is that many facilities do not have ADR programs in place, thus preventing many employees from using ADR.

ORM is in the process of developing a national ORM ADR policy/program to supplement the existing network of facility programs and clarify ORM's relationship and commitment to those programs. A two-prong pilot program is underway at ORM's Bay Pines Field Office. The first goal of the pilot is to develop policies for interacting with the local ADR programs. The Regional Officer at the Bay Pines Field Office is working with officials from the Veterans Health Administration, Veterans Benefits Administration, and National Cemetery System to develop these policies. Additionally, Union representatives and On-site EEO Program Managers are involved in this effort. These policies will establish the procedures for referring complainants to ADR programs, including who to contact, what to do if the complainant perceives a conflict of interest in using the local ADR program, and what to do if there is no facility program.

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<sup>11</sup> Proposed Final Rule: Revising the Federal Sector Discrimination Complaint Processing Regulations, 29 Code of Federal Regulations Part 1614, December 28, 1998.

<sup>12</sup> Definition and examples from VA's *A Plan for Transformation*.

The second goal of the pilot is to develop a comprehensive mediation training session for ORM staff who will supplement the existing network of facility ADR mediators. Beginning in mid-April 1999, selected staff from a variety of Field Offices will receive training in mediation. Once the pilot is complete, ORM managers plan to establish local policies and conduct training for all of the ORM Field Offices before the end of the fiscal year, budget permitting. They will also conduct less comprehensive awareness training for ORM staff who are not slated to be mediators. Furthermore, ORM is developing plans for training of new staff and refresher training for existing staff in the future. Follow-on training/support for ORM mediators will include evaluations by seasoned mediators who will be assigned to ORM's mediators during their initial mediation sessions.

Beginning in November 1998, ORM Headquarters began tracking complainants' use of ADR procedures as part of the CRS. From November 1998 through January 1999, ORM recorded a total of 30 informal complaints and four formal complaints referred to the ADR process.<sup>13</sup> Beginning later in 1999, it is our understanding that ORM Headquarters will track additional metrics regarding ADR usage, including the following (some of the ORM Field Offices may already be tracking this information locally):

- Date ADR was initiated
- Name and home facility of mediator
- Outcome of ADR (settlement or no settlement)
- If settled through ADR, the terms of the agreement
- At what stage ADR was initiated in the complaint process
- The length of time between the date ADR was initiated for a complaint and the date of complaint resolution or when complaint processing continued.

*3.2.1.13 ORM staff speculate that many employees have some understanding of the option to use ADR, but are not familiar with the process.*

When ORM Intake Specialists, Counselors, and Investigators were asked whether employees know of the ADR option, the majority of these respondents indicated that employees who use the system are informed of their option to use ADR. In most instances, employees learn of this option when they seek assistance from an ORM Counselor. These interviewees also feel there is a lack of understanding regarding what ADR is and how it can be used, as shown in Figure 26. They further indicated that it is this lack of understanding that prohibits more employees from choosing ADR as an option.

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<sup>13</sup> Obtained from monthly ORM Workload Summary Reports.

Figure 26. Are employees well informed of their options to use ADR?

COMMON THEMES FROM INTERVIEWS	
Interviewees: Intake Specialists, Counselors, Investigators	
<ul style="list-style-type: none"> <li>• Employees are aware of the ADR option; Counselors inform them of it (20)</li> <li>• Employees tend not to be aware of the ADR option prior to being informed during an initial counseling session (5)</li> <li>• Employees are not aware of the ADR option (4)</li> </ul>	

Results from the employee survey show that the majority of supervisory respondents expressed that they understood what ADR is and would consider using it. However, fewer non-supervisory respondents indicated having such an understanding. A number of non-supervisory respondents were unsure whether they would use it since they don't know what ADR is. These results collectively point to differences in the degree to which employees understand the ADR process.

### 3.2.2 Conclusions

*3.2.2.1 While ORM has made some initial improvements in the timeliness of complaint processing, sufficient data have not been available to make a definitive determination of the impact of the new CRS on timeliness.*

The timeliness data that Booz-Allen has presented here represents an initial attempt to identify and evaluate preliminary trends. While data are available for FY 98, there are limitations to the data that prevent a complete evaluation of the timeliness of complaint processing. One reason for the limitations is that the FY 98 data include cases handled under both the former complaint resolution system and the new CRS. Additionally, timeliness information may not have been complete for FY 98 due to a backlog of cases that were unreported.

A limitation of the FY 99 data presented here, while more accurately reflecting the timeliness of the new CRS (as opposed to the old system), is that it only covers six months of complaint activity. The shortness of the time period, therefore, makes reaching conclusions difficult. As described earlier, focus group participants also expressed concern about judging the timeliness of the new CRS given the short time span of its operation. Both supervisory and non-supervisory employees indicated that they are unaware of any changes to timeliness in complaint processing.

*3.2.2.2 The current structure of ORM fosters quality services and increased fairness, integrity, and trust.*

Many of the changes made to the CRS have had a positive impact on the processing of complaints. VA employees and ORM staff have noticed the changes and believe that they have addressed many of the concerns VA had with the old system. Primarily, the addition of full-time staff and removing ORM from under the control of individual facilities has helped develop integrity and quality.

As the ultimate judge of any service, the user of that service will determine its efficacy. In the case of VA's CRS, the employees represent the potential customer and therefore represent a crucial component to any evaluation of quality. Because most employees have not used the CRS and have no direct experience with it, they were unable to provide an assessment of the CRS' quality. The employee survey results confirm this since most respondents (82 percent of non-supervisors and 70 percent of supervisors) were uncertain about their satisfaction with the new CRS, mainly because they had not yet had experience with it. However, employees were very willing to provide examples of what they expected from the system. In most cases their expectations provide an excellent opportunity for ORM to develop future goals in both customer satisfaction and overall implementation of the CRS.

Potential hurdles to quality, fairness, integrity, and trust were suggested by members of the supervisory focus groups. The criticisms of the current ORM staff and their role in complaint resolution are important reminders of ORM's need to remain objective. These concerns were heard from supervisory employees during focus groups and from Facility Directors during interviews. In a system where supervisory employees are likely to be identified as the RMO and thus feel victimized by the process, it is important that ORM representatives display the highest level of professionalism and understand the dynamic working against the supervisors, as well as the needs and the rights of the complainant.

*3.2.2.3 ORM is functioning separately from local VA management. However, there are unintentional negative consequences of complete separation.*

The separation that exists between ORM and VA facility management has allowed ORM to operate as an independent organization. Most of the responses from VA employees indicate that ORM's independence from VA management has had a positive impact on the integrity of the CRS. These employees perceive that the separation between ORM and VA management is a large contributor to the increase in fairness, integrity, trust, and quality. However, according to many facility staff and management who interact routinely with ORM, the independence has had some undesired side effects.

Among the potential negative effects identified by interviewees is the possibility that separation inhibits early resolution of EEO complaints. The reasons for this include the reduced ability of management to intervene because they are not apprised of the situation, as well as ORM staff's lack of familiarity with a facility's culture and norms. Additionally, on-site facility management and EEO staff may actively seek to work against ORM's efforts to resolve complaints if they lack trust in ORM.

*3.2.2.4 ORM's current plans for ADR show commitment to the ADR philosophy comparable to best practices organizations. However, VA employees lack understanding about current ADR options, preventing effective use of existing programs.*

ORM's current approach to incorporate ADR into the CRS shows commitment to the ADR programs and ADR philosophy. In our separately issued best practices report for

ORM,<sup>14</sup> 75 percent of the best practice private-sector organizations profiled had adopted formal ADR programs – thus reflecting the impact and importance of ADR as a resolution mechanism. ORM’s approach and philosophy to ADR is comparable to the commitment demonstrated at best practice organizations.

However, as indicated in the findings contained in this section, many employees do not fully understand ADR; therefore, they do not tend to select it as an option. With improved understanding, it is likely that more employees would seek this option. If ADR were to be more widely used, VA could experience earlier resolution of some EEO complaints.

### **3.2.3 Recommendations**

*3.2.3.1 ORM needs to continue collecting workload and complaint activity data through FY 99. This will allow for a more accurate determination of complaint processing timeliness.*

ORM should continue to monitor timeliness data after FY 99 to determine the impact of additional variables such as: the backlog of cases from the old system, employees’ tendency to test and explore the system by filing more complaints, and minor staffing adjustments that may be made over the course of the first year or two. By continuing to collect this information, VA can better determine the extent to which timeliness has been affected by the new system. As the system encounters some expected hurdles (backlog, increased use, etc.), it will likely be necessary to fine tune staffing levels. Each of these variables will have an impact on timeliness that cannot currently be determined.

*3.2.3.2 ORM should evaluate the boundaries of its relationship with VA facility management, seeking to increase the effectiveness of the CRS to the satisfaction of both ORM and pertinent facility staff.*

Our initial feedback from Facility Directors and On-site EEO Program Managers indicates some strong opinions regarding the current separation between ORM and facility management. VA should follow up on this feedback to collect more detailed information about the impact of removing EEO complaint processing from the control of the facilities. In order to gain full cooperation from these crucial partners, ORM must be aware of the needs of facility management. Facility management establishes the work environment – they are the ones who will make the changes needed to resolve (and prevent) situations that result in EEO complaints. Facility managers and ORM Regional Officers need to communicate about their common objectives and separate means, in order to establish an effective working relationship. It is critical that ORM Regional Officers establish these relationships with each and every facility manager within their Regions.

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<sup>14</sup> Booz-Allen’s *Best Practices in EEO Complaint Resolution Systems*.

3.2.3.3 *ORM should continue its efforts to launch the ADR program, and develop outreach materials to clearly communicate about ADR to all VA employees.*

Booz-Allen recommends that ORM continue (and expedite where possible) the process for establishing a formalized internal ADR program to fully realize the positive impact ADR can have on the resolution of EEO complaints. ADR programs have demonstrated effectiveness in resolving complaints at informal stages. ORM should consider carefully whom it selects for comprehensive mediation training, considering what group of individuals will have the most impact in identifying candidates for ADR and conducting the subsequent mediation sessions. Furthermore, ORM should be persistent in its efforts to reach a policy agreement with the Unions and relevant VA organizations.

A critical factor in the effective implementation of ORM's ADR program is employee knowledge of the program. ORM should provide employees, through the facilities and other appropriate channels, with outreach materials to increase overall understanding of what ADR is and what it can – and cannot – accomplish. This communication should be delivered even before ORM's ADR program is fully functional. Where facilities have ADR programs, their support should be enlisted in creating and disseminating the educational materials. These materials could be developed in a variety of formats, including posters, tri-folds, or articles for newsletters. The content should be written in a format that is easily understood by all VA employees, regardless of job position or educational level. To ensure ORM reaches the broadest audience possible, we recommend using multiple communication vehicles for increasing employee awareness of ADR, including printed materials as well as oral communications by ORM staff.

### 3.3 ADMINISTRATION OF THE CRS

A critical factor in the success of any new program is the effectiveness with which it is administered. An organization must be sufficiently staffed and funded in order to effectively operate. Additionally, a supporting infrastructure (e.g., procedures and communication mechanisms) must be in place to ensure that work is performed consistently and the likelihood of redundancy is reduced. This section addresses the following aspects of the administration of both ORM and OEDCA:

- Staffing/workload
- Budget
- Organizational structure/management spans
- Standard operating procedures
- Communication mechanisms.

Our evaluation of the CRS' administration is based on documentation review, complaint activity trend analysis, and interviews with ORM and OEDCA staff. Interview data are included in more detail in Appendix C (Questions 28–52).

#### 3.3.1 Findings

*3.3.1.1 Many ORM staff interviewed perceive that additional staff are needed, particularly in the Investigator position.*

ORM currently employs 246 FTEs. ORM plans to hire an additional 21 staff, for a resulting 267 FTEs. Of these, 241 staff will be located within ORM's twelve Field Offices; the remaining staff will be located in the Office of Field Operations or the Deputy Assistant Secretary's Office (Headquarters). Figure 27 displays the number of proposed ORM Field Office, Field Operations, and Headquarters staff, broken down by position.

**Figure 27. Staffing Levels Within ORM**<sup>15</sup>

Field Office Staff		Office of Field Operations Staff		Headquarters Staff	
Regional Officers	12	Director	1	DAS	1
Counselors	90	Administrative Officer	1	Executive Assistant	1
Intake Specialists	48	Administrative Assistants	2	Administrative Assistants	2
Investigators	48	EEO Specialists	6	Budget Staff (Officer, Analyst)	2
Counselor/Investigators	11	Investigators (of Compensatory Damages)	2	Human Resources Analyst	1
Intake Specialist/ Investigators	6	Computer Specialist	1	Program Analysts	2
Administrative Assistants	26			Telecommunications Manager	1
<b>Total Field Office Staff</b>	<b>241</b>	<b>Total Field Operations Staff</b>	<b>13</b>	Training Officer	1
				EEO Specialist	1
				EEO Investigator	1
				<b>Total Headquarters Staff</b>	<b>13</b>

<sup>15</sup> ORM Staffing Status Report, March 1, 1999.



When asked if staffing levels within ORM are sufficient, the majority of Regional Officers, Office of Field Operations staff, and Headquarters staff indicated that staffing levels are insufficient to meet the current workload. According to the interviewees, the inadequacy of staffing is largely due to the backlog of complaints from the previous system. Regional Officers felt more strongly that the staffing levels were insufficient during the January–February 1999 site visits than during the site visits conducted in September–November 1998.

Many respondents suggested that additional Investigators be hired. The need for additional Investigators is exacerbated by the increase in formal complaints that has occurred since the new CRS has been implemented (see Sections 3.4.1.2 and 3.4.1.3 for a detailed discussion on changes in complaint rates). Common themes from our interviews are highlighted in Figure 28.

**Figure 28. Is ORM adequately staffed to be able to effectively administer the CRS?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees:</b>	<b>Regional Officers, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
	<ul style="list-style-type: none"> <li>• No, ORM needs additional staff (13)</li> <li>• There are not enough Investigators (9)</li> <li>• Yes, current staffing levels are adequate (7)</li> </ul>

As Figure 27 on page 59 also indicates, hybrid positions (Counselor/Investigator, Intake Specialist/Investigator) have been created within ORM. These positions were created largely in response to the need for additional Investigator staff to conduct investigations, and to reduce the heavy travel demands on existing Investigators. Additionally, hybrid positions were designed to reduce the heavy workload on Intake Specialists and Investigators. The impact of these new positions on the workload of Intake Specialists and Investigators has yet to be determined.

*3.3.1.2 ORM Counselors perceive that they have manageable caseloads despite an increase in informal complaints.*

One of the positions with the most representation in ORM is the Counselor position. ORM Counselors serve the primary role in handling the complaint resolution process during the informal stage. As of March 1, 1999 there were a total of 90 Counselor positions within ORM.<sup>16</sup> During our interviews, most ORM Counselor interviewees admitted handling between 4 to 9 cases per month on average.

The 1997 *A Plan for Transformation* established a performance goal for Counselors such that “80 percent of Notice of Final Interviews on EEO counseling contacts are issued within 30 calendar days of initial contact for those contacts which are not referred to an ADR

<sup>16</sup> ORM Staffing Status Report, March 1, 1999.

process.” Our findings regarding the timeliness of the CRS (discussed in Section 3.2.1.3) reflect an average processing time at the informal complaint resolution stage of approximately 24.6 days for the period from October 1, 1998 to March 31, 1999. While this figure is limited to the time period it covers, it appears that in comparing this information to the qualitative data supplemented through our interviews, the impact of an increase in complaints on the timeliness of counseling has been minimal. A clear majority of Counselors admit to having manageable workloads and case assignments. However, Booz·Allen recognizes that Field Office level differences in complaint activity and backlog situations can impact the workload of Counselors (and all staff) based on staff size. Nevertheless, the workload of Counselors overall seems manageable.

*3.3.1.3 A large number of Intake Specialists indicated that they currently have unmanageable workloads. Quantitative data shows that, on average, Intake Specialists are not meeting the time requirements set forth in their performance metrics.*

There were a total of 48 Intake Specialist positions within ORM as of March 1, 1999.<sup>17</sup> While the majority of Intake Specialists interviewed stated that they have a manageable workload, a significant number of Intake Specialists indicated that they are overworked and that their workload is unmanageable. In addition, Intake Specialists reported the largest caseloads of any position; most interviewees reported handling at least 10 to 15 cases per month. Besides this reported caseload, many Intake Specialists admitted to additional work pending in the office backlog. Regional Officers concurred that Intake Specialists maintain the highest caseloads of any ORM staff.

The performance metric for Intake Specialists set forth in the 1997 *A Plan for Transformation* identifies a 45-calendar day performance standard for accepting complaints by the Intake Specialists. For the period from October 1, 1998 to March 31, 1999, the average processing time at the acceptability stage by Intake Specialists was 79.3 days. This represents an average timeliness discrepancy of approximately 34 days for the period. A review of the quantitative and qualitative data suggest that the backlog of cases inherited from VA facilities in transitioning to the new CRS most directly affects Intake Specialists and Investigators, since many of the assumed cases and those cases recorded later were at the formal stage of complaint resolution. In addition, some Intake Specialists perceive being particularly overworked, since they often assume administrative, training, and mentoring responsibilities not held by other ORM positions.

*3.3.1.4 Many ORM Investigators are not completing their investigations within the required 45 calendar days; many Investigators indicated that they are overworked.*

There were a total of 51 Investigator positions within ORM as of March 1, 1999.<sup>18</sup> During the course of our Field Office interviews, most Investigator interviewees reported handling between 2 to 5 cases per month. Regional Officers noted a similar average monthly

<sup>17</sup> ORM Staffing Status Report, March 1, 1999.

<sup>18</sup> ORM Staffing Status Report, March 1, 1999.

caseload for Investigators. The average complaint processing time during the investigative stage for the period from October 1, 1998 through March 31, 1999 was 83.2 days.

The current performance goal for Investigators requires that they complete investigations upon assignment within 45 calendar days, thus helping to ensure that the complainant’s receipt of the investigative report takes place within 180 calendar days from the formal filing date. In comparison to this time requirement, the average processing time for Investigators was 83.2 days, reflecting a delay of approximately 38 days, on average, during the period. These results are further corroborated by qualitative data collected by Booz-Allen regarding this issue. Specifically, many Investigators stated during our interviews that the primary barrier to successful administration of the CRS is excessive workload in their positions. In addition, several Regional Officers, Headquarters, and Operations staff interviewees expressed the need for additional ORM personnel, particularly in the Investigator position. When ORM Regional Officers were asked how many cases Investigators handle per month, responses ranged from 2 to 6 cases.

New comparative metrics with federal and private sector organizations are not available to evaluate the workload of ORM’s Investigators. The federal and private sector organizations included in our *Best Practices in EEO Complaint Resolution Report* described investigator workload in a variety of ways (e.g., number of cases per year, number of cases worked on at one time). Additionally, the vast majority of federal organizations use Collateral Duty Investigators for EEO complaints, thus preventing any appropriate comparisons. However, we noted an increasing trend in Investigators’ perceptions of being overworked and having unmanageable workloads between the September–November 1998 and January–February 1999 interviews; in fact, the majority of Investigators in interviews conducted in January–February 1999 stated they are overworked.

*3.3.1.5 OEDCA employees indicated that their staffing levels are sufficient to meet OEDCA’s current workload.*

The Office of Employment Discrimination Complaint Adjudication (OEDCA) currently employs 21 staff, largely comprised of attorneys. Figure 29 shows the number of staff within OEDCA, broken down by position.

In contrast to the perceptions within ORM, OEDCA employees largely indicated that the current staffing levels are appropriate given the workload. Only one staff member indicated that an additional administrative assistant would be beneficial for the operations of the office. The findings from these interviews are highlighted in Figure 30.

**Figure 29. OEDCA Staffing Levels, By Position**

<b>OEDCA Staff</b>	
Director	1
Associate Director	1
Administrative Officer	1
Staff Attorneys	12
Clerical Staff	6
<b>Total OEDCA staff</b>	<b>21</b>

Source: Staffing information provided by Director, OEDCA.

**Figure 30. Is OEDCA adequately staffed to be able to effectively administer the CRS?**

COMMON THEMES FROM INTERVIEWS	
Interviewees: OEDCA staff	
<ul style="list-style-type: none"> <li>• Yes, OEDCA is adequately staffed (7)</li> <li>• Staff don't feel overworked or under-worked (2)</li> <li>• Could benefit from another secretarial staff member (1)</li> </ul>	

The results of the interviews with OEDCA staff are consistent with our finding that OEDCA has effectively reduced its backlog of complaints needing adjudication (see Section 3.4.1.10).

*3.3.1.6 While ORM staff expressed mixed opinions regarding the sufficiency of ORM's budget, none of the OEDCA interviewees expressed concern that OEDCA's budget is insufficient.*

Figure 31 shows the current (FY 99) and proposed (FY 00) budgets for both ORM and OEDCA. As seen in this figure, ORM's current operating budget (FY 99) is \$27.8 million, and OEDCA's is \$1.91 million. ORM's proposed FY 00 budget does not include an increase in FTEs; additional money will be spent on cost of living increases in staff salaries. VA's FY 00 budget has yet to be approved by Congress.

**Figure 31. ORM's and OEDCA's current and proposed operating budgets.**

	FY 99	FY 00*
ORM	\$27.8	\$28.0
OEDCA	\$1.91	\$1.98

*Source: Budget information provided by DAS, Office of Resolution Management, and Director, OEDCA.*

*Note: Dollars presented are in millions. As of the time of this writing, VA's FY 00 budget has yet to be approved. It is expected to be reviewed by both the House and Senate by the end of April 1999.*

When asked about the sufficiency of their budgets for achieving their missions, ORM and OEDCA staff expressed differing opinions. Approximately one-third of the ORM staff interviewed indicated that the budget is insufficient; budget requests were for additional staff, supplies, and training money. In contrast, none of the OEDCA staff interviewed stated they have an insufficient budget. Responses from ORM and OEDCA are presented in Figure 32 and Figure 33, respectively.

**Figure 32. Is ORM's budget sufficient to meet its mission?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: Regional Officers, Intake Specialists, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• Yes, budget is sufficient (17)</li> <li>• No, budget is not sufficient (13)</li> <li>• Don't know if budget is sufficient (13)</li> </ul>

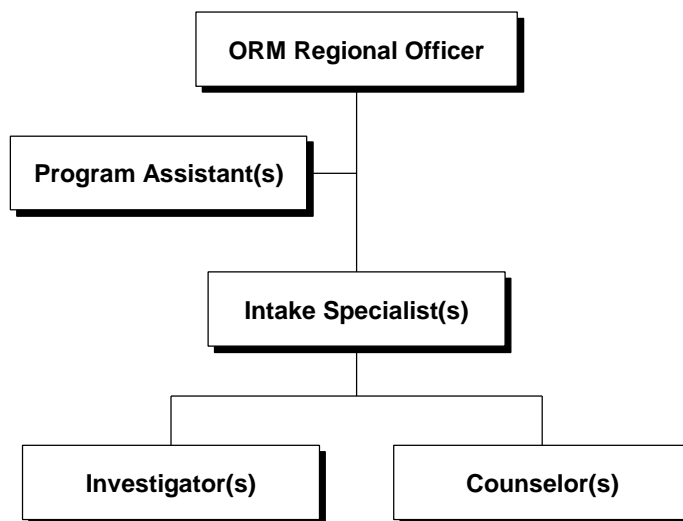
**Figure 33. Is OEDCA's budget sufficient to meet its mission?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: OEDCA Staff</b>
<ul style="list-style-type: none"> <li>• Do not know budget information (4)</li> <li>• Sufficient staffing, equipment, resources (3)</li> </ul>

*3.3.1.7 Within ORM Field Offices, Counselors and Investigators report to Intake Specialists for assignments and review of work products. The majority of staff perceive this structure to be effective; however, some suggested that an additional layer of management between Regional Officers and Intake Specialists would be beneficial.*

Within each ORM Field Office, the Regional Officer is the official supervisor of all staff (e.g., responsible for performance appraisals). However, the Intake Specialist has the day-to-day operational responsibility for Counselors and Investigators, assigning their caseloads and reviewing their work products. The reporting structure is shown in Figure 34.

**Figure 34. Organizational Structure of ORM Field Offices**



*Source: Organizational Charts of ORM Offices. In the majority of Field Offices, Intake Specialists oversee the work of both Counselors and Investigators. However, in some cases, Intake Specialists have team leader responsibility over Counselors or Investigators, but not both.*

Booz·Allen interviewed ORM staff to determine their perceptions of the reporting structure. Most ORM staff interviewed perceived that the reporting structure is effective, although some concerns were raised within the Field Offices about inadequate information sharing, confusion regarding role responsibilities, and the need for more direct access to Regional Officers. Findings from these interviews are shown in Figure 35.

In some cases, Intake Specialists indicated that they feel over-burdened with team leader responsibilities. As noted in the Training section of this report (Section 3.10), Intake Specialists desire additional training in reviewing the work of others; they did not receive supervisory training during their initial three-week training. These findings suggest that, in some cases, Intake Specialists do not feel prepared to provide oversight of the work performed by Counselors and Investigators.

**Figure 35. Are the reporting relationships (the structure of who reports to whom – e.g., Counselors report to the ORM Regional Officer) within ORM effective?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: ORM Regional Officers, Intake Specialists, Counselors, Investigators; ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• Yes, effective reporting structure (55)</li> <li>• Mixed effectiveness (18)</li> <li>• No, not effective (13)</li> </ul>

Booz·Allen also used interviews to gauge the adequacy of the management spans within ORM Field Offices. Booz·Allen asked Regional Officers, Intake Specialists, and

ORM Headquarters staff about the adequacy of management spans in their offices to determine general perceptions. The results are shown in Figure 36. While the majority of interviewees indicated that management spans are appropriate, a significant number of interviewees stated that an additional layer of management within the Field Offices is needed to help lessen the burden on Regional Officers.

**Figure 36. Are the management spans (that is, the number of people who report to a manager) within ORM appropriate for getting the necessary work done?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: Regional Officers, Intake Specialists, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• Yes, the management spans are appropriate (26)</li> <li>• No, the management spans are not appropriate (12)</li> <li>• An additional layer of management is needed between the Regional Officer and Intake Specialist position (6)</li> </ul>

In addressing Regional Officer workload, it is our understanding that ORM is currently planning to provide Intake Specialists with more signing authority in their Field Offices. Certainly this could help to lessen the workload of Regional Officers. However, the workload of the Intake Specialists may increase as a result of this initiative.

*3.3.1.8 Both ORM and OEDCA have developed standard operating procedures, which most staff perceive to be effective.*

Both ORM and OEDCA have draft policies and standard operating procedures (SOPs) in place to assist staff while performing their jobs. All OEDCA staff utilize the same set of SOPs. ORM staff, on the other hand, refer to ORM-wide SOPs as well as SOPs developed specifically for each Field Office.

The SOPs developed by OEDCA address the topics listed in Figure 37. As this figure shows, OEDCA’s SOPs cover a comprehensive range of activities and issues. OEDCA’s SOPs are updated periodically in order to improve timeliness and effectiveness of the adjudication process.

**Figure 37. Contents of OEDCA’s Standard Operations Procedures Guide<sup>19</sup>**

OEDCA’s SOPs
<ul style="list-style-type: none"> <li>• Mission Statement</li> <li>• Functional Responsibilities</li> <li>• Confidentiality</li> <li>• Ex Parte Communication</li> <li>• Requests for Legal Advice</li> <li>• Conflicts of Interest</li> <li>• Final Decision-Making Authority</li> <li>• Functional Independence</li> <li>• ORM &amp; OEDCA Case and Data-Tracking</li> <li>• Templates/Formats for Decisions and Correspondence</li> <li>• Decision Procedures</li> <li>• Procedures for Notifying Secretary of Findings of Intentional Discrimination and Reprisal</li> </ul>

<sup>19</sup> Office of Employment Discrimination Complaint Adjudication Policies and Procedures.

A draft set of ORM-wide policies and procedures has been recently provided to ORM Field Office staff. Figure 38 displays the comprehensive list of topics included in ORM’s SOPs.

**Figure 38. Contents of ORM’s Standard Operations Procedures Guide<sup>20</sup>**

ORM’s SOPs
<ul style="list-style-type: none"> <li>• Mission Statement</li> <li>• Vision</li> <li>• Due Professional Care</li> <li>• Operating Structure and Responsibilities of ORM Staff</li> <li>• Informal Complaint Process</li> <li>• Formal Complaint Process</li> <li>• Settlement Agreements</li> <li>• Alternative Dispute Resolution (ADR)</li> <li>• Organizational Performance Measurement and Assessment</li> <li>• Customer Satisfaction Survey</li> <li>• Collateral EEO Counselors</li> <li>• Rapid Response Teams</li> <li>• Form Letters/Templates</li> </ul>

Prior to and during the development of these SOPs, each Field Office developed its own set of SOPs<sup>21</sup>, which were consistent with the national SOPs. In general, the Field Office SOPs provide more detail about the administration of the office (e.g., file maintenance) than do the national SOPs. The majority of information contained in the Field Office SOPs is similar across Field Offices, but some differences exist.

*3.3.1.9 While frequent communication occurs among ORM’s Headquarters, Office of Field Operations, and Field Offices, staff have varying degrees of satisfaction with the quality of communication.*

ORM utilizes a variety of avenues to encourage communication among staff. For example, ORM senior managers (Deputy Assistant Secretary, Director of Field Operations, Regional Officers) hold weekly conference calls with Field Office managers (Regional Officers and, in some cases, Intake Specialists) to discuss operational issues. Additionally, Field Offices have regular staff meetings, and include staff from satellite offices.

In spite of the established communication channels, some ORM staff are dissatisfied with the communication that occurs within their Field Offices. Figure 39 lists the results of our interviews with ORM staff. The majority of staff indicated that the communication within their Field Office is above average. Many staff, however, stated that communication is only moderately effective, or that it is poor. Problems cited with communication included a lack of cooperation, competitiveness, conflicts across roles, poor sharing of information, personality conflicts, and a lack of action when suggestions are made. It was also apparent that different Field Offices have varying experiences with communication.

<sup>20</sup> Office of Resolution Management (ORM) Standard Operating Procedures Guide – draft as of February 1999.

<sup>21</sup> SOPs provided to Booz-Allen by various Field Offices.



**Figure 39. How would you characterize the quality of communication and coordination within your Field Office?**

COMMON THEMES FROM INTERVIEWS	
Interviewees: Regional Officers, Intake Specialists, Counselors, and Investigators	
<ul style="list-style-type: none"> <li>• Above average (40)</li> <li>• Average, but improvements could be made (20)</li> <li>• Below average (poor, bad, difficult) (11)</li> </ul>	

### 3.3.2 Conclusions

*3.3.2.1 The establishment and administration of ORM and OEDCA are consistent with the administration of an organization in development. Standard operating procedures (SOPs) are in the process of being firmly established as the organizations mature.*

As described in our findings, ORM and OEDCA have staffed their organizations, developed hierarchical reporting relationships, and drafted SOPs to improve consistency in operations. These efforts have progressed over the course of our assessment. For example, many ORM staff during the early round of site visits were not aware of SOPs available to them; almost all staff in the later site visits acknowledged the presence of SOPs.

While some inconsistencies exist in ORM Field Office level SOPs (e.g., with regards to communications sent to facilities), staff in general find them to be useful tools for assisting them in their jobs. An area where further development is needed is in communication approaches; currently ORM does not have formalized communication procedures.

*3.3.2.2 There is a short-term staffing shortage among Intake Specialists and Investigators due to the current complaint backlog situation. As a result, timeliness and performance goals are not being met – thus reducing the effectiveness of ORM in providing complaint resolution services.*

In our January 15, 1999 interim status report to ORM, Booz·Allen recognized that there are short-term staffing shortages within ORM, and that additional personnel are needed to handle complaint workload. Some of the reasons for this staffing shortage include an increase in informal complaints and backlog, as well as the added responsibilities brought on by changes in EEOC regulations. These findings were echoed in sentiments expressed by ORM staff during our subsequent Field Office interviews. The majority of Field Office staff admitted difficulties in managing the backlog situation, with some positions appearing to be more affected than others.

The information discussed above collectively points to a staffing shortage/excessive workload situation among Intake Specialists and Investigators. Several of our focus group and interview participants acknowledged that the primary barrier to the CRS is the current backlog situation, and if the backlog could be eliminated, then the workload would be much more manageable for everyone involved. For the present time, ORM needs to recognize the

impact that the backlog is having on the workload and performance goals of Intake Specialists and Investigators.

It does not appear that turnover is a major factor contributing to the short-term staffing or complaint backlog situation. For the period from October 1, 1998 through March 1, 1999, ORM experienced turnover of 11 positions. Considering ORM's current staff size of 246 individuals, this would convert to an annual turnover rate of approximately 4 percent. In reviewing a breakdown of the types of positions experiencing turnover, we did not uncover any significant trends or patterns. Nevertheless, ORM should continue to monitor and take steps to address trends in future turnover data as they occur.

ORM has already taken several steps to address the workload and short-term staffing situation. In December 1998 ORM created two "hybrid" positions, combining different ORM staff responsibilities. The "Generalist C1" position combines responsibilities and duties of the Counselor and Investigator positions. The "Generalist C2" position combines responsibilities and duties of the Intake Specialist and Investigator positions. These hybrid positions will allow such employees to conduct work during different stages of the complaint resolution process, ultimately allowing for the timely transfer of skills and talent in addressing Field Office needs. As of March 1, 1999, there were eleven Generalist C1 positions, and six Generalist C2 positions within the ORM Field Offices.<sup>22</sup> It is our understanding that ORM will continue to recruit personnel and train existing personnel for these positions as necessary. Booz·Allen recommends that ORM continue to pursue and implement such hybrid position classifications, since they help to ensure appropriate staffing at stages in the complaint resolution process that most need it.

ORM has also taken steps to reduce the workload of Investigators by improving the efficiency of the investigative process. In March 1999, the DAS of ORM met with representatives from EEOC to discuss acceptable means of streamlining investigations. Two approaches will be implemented in the near future. First, a step will be removed from the current investigative process; that of obtaining preliminary affidavits from witnesses, a practice that adds redundancy and time to the investigative process. Additionally, Investigators will no longer be required to generate a tentative finding of discrimination/no discrimination. The expected outcomes of these two changes to the investigative process are a decrease in time required to conduct investigations and an increase in the average number of investigations completed per month from 2 to 4.<sup>23</sup>

3.3.2.3 *OEDCA's current staffing levels are effective and appropriate given the number of incoming complaints. OEDCA can most likely accommodate small increases in complaint activity, but if major changes occur OEDCA may need more staffing.*

Currently, OEDCA is meeting the demands of its caseload and is successfully reducing the backlog in complaints needing adjudication (see Section 3.4 for details on this). ORM staff, on the other hand, are feeling overwhelmed, in part, because of the complaint backlog. An additional stress on the CRS is the increase in complaints that has occurred

<sup>22</sup> ORM Staffing Status Report, March 1, 1999.

<sup>23</sup> Information obtained via conversation with DAS for ORM.

since its implementation (see Sections 3.4.1.2 and 3.4.1.3). While ORM staff must immediately respond to this increase in complaints, there is a time lag between the initiation of a case and its adjudication. As such, the workload of OEDCA staff will not increase immediately as the result of the increase in complaints.

Based on OEDCA's current success, the office can likely handle the increase in complaints that will eventually require adjudication. However, if the influx of formal complaints requiring adjudication is large, OEDCA may have a need for additional staff.

*3.3.2.4 Intake Specialists may not be effective team leaders in all situations; this could be due to a lack of supervisory skills or the competing demands of their team leader and caseload responsibilities.*

Based on Field Office staff concerns about inadequate information sharing, confusion over role responsibilities, and the need for more direct access to Regional Officers, it appears that management problems exist in some Field Offices. Intake Specialists are responsible for overseeing the work of others without any formal training in supervisory skills. Additionally, many Intake Specialists expressed concerns about the competing demands of their team leader and caseload responsibilities. These findings indicate that some Intake Specialists are not effective serving as team leaders. The inability of some Intake Specialists to mentor and evaluate the work of staff reporting to them may account for differences noted above in the perceived effectiveness of the organizational structure/management spans at Field Offices.

*3.3.2.5 Communication effectiveness varies among Field Offices and is highly dependent upon the communication skills of managers.*

The managers of an office establish the formal communication guidelines and informal environment. In order to promote effective communication among staff, managers must be effective communicators themselves. As discussed above, some ORM Field Office staff indicated concerns with the communication occurring in their Field Offices. This situation is likely occurring as the result of ineffective or inconsistent communication from managers. For example, Counselors in one Field Office indicated that they were discouraged from sharing information with and seeking advice from other Counselors. This type of communication barrier can significantly impede the extent and effectiveness of communication that occurs within the Field Office.

### **3.3.3 Recommendations**

*3.3.3.1 ORM should continue to refine its SOPs and communication methods, ensuring that the needs of both the national and regional levels are met. ORM Headquarters and the Field Offices should continue to work collaboratively in refining administrative mechanisms.*

To ensure consistency and prevent redundancy of operations, ORM should continue to refine and implement its administrative mechanisms. ORM Headquarters should proactively drive administrative efforts throughout the organization. One way in which this could be accomplished would be to establish a task force to review Field Office SOPs for

consistency. This task force, comprised of Field Office staff as well as Headquarters staff, could review existing Field Office SOPs to determine areas where more consistency is needed. As discussed in our findings, some differences between local level SOPs are warranted (e.g., in file maintenance). However, in other key areas (e.g., communication with facilities), SOPs should be consistent across Field Offices. The task force would be responsible for aligning all local SOPs with ORM-wide policies to ensure effective operations.

*3.3.3.2 ORM should take steps to eliminate the existing complaint backlog, such as using a private-sector investigative firm<sup>24</sup>, hiring additional administrative staff, streamlining the investigative process, and seizing opportunities to shift complaint processing responsibilities between Field Office locations. Elimination of the backlog should be made a top priority.*

To most effectively address the short-term staffing situation and workload issue, Booz-Allen recommends that ORM obtain additional resources on a temporary basis, with the objective of eliminating the backlog. As a solution to the backlog and one that we posed in our interim status report, ORM should consider using a private-sector investigative firm. Other solutions include: detailing staff from other parts of VA, organizing a task force to focus on reducing the backlog in specific facilities, using ADR more frequently to resolve complaints before they become formal, and establishing temporary Investigator positions. Whichever solution is used to provide temporary support for the backlog, it is critical for ORM to provide oversight and training to the Investigators to ensure they perform their work in a timely and effective manner. The clear advantage to this recommendation is that after the backlog is diminished, the responsibility for managing complaints can rest fully with ORM staff.

Booz-Allen also recommends that ORM hire additional administrative staff, including administrative officers and clerical support. Many ORM Intake Specialists and Investigators expressed in our interviews with them that certain clerical duties (e.g., copying, assembling folders, writing correspondence) create inefficiencies in their positions and require an inordinate amount of time. Since excessive and unmanageable workload was identified as an issue for both Intake Specialists and Investigators, ORM should take any steps necessary to reduce the burden on employees in these positions, letting them concentrate on the technical work required as part of their jobs.

If ORM is unable to hire additional staff or supplement existing staff with contract Investigators, ORM should continue to identify ways to streamline the investigative process. ORM should carefully monitor the impact of these changes on the complaint backlog.

ORM should also continue to analyze complaint backlog data and incoming complaint activity at its Field Offices to identify those locations with larger backlogs than others. In responding to these differences, ORM should consider shifting the geographic region of its Field Offices to allow for a more equal distribution of complaints workload

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<sup>24</sup> This action would require an exception to Public Law 105-114, which states that all staff performing investigative functions must report to the DAS for complaint processing.

across the locations. In addition, ORM should leverage partnerships between the Field Offices to transfer workload/complaint activity as needed.

Aside from the recommendations discussed above, Booz·Allen offers several other suggestions for ORM to consider; these are listed below:

- Communicate the importance of reducing complaint backlog to all ORM staff through the use of formal meetings and presentations, posters, newsletters, and e-mail
- Implement a reward-based “Beat the Backlog” campaign, allowing all ORM Intake Specialists and Investigators to participate in assuming backlogged cases for different rewards and/or incentives
- Devote additional resources to the CS-CIMS database to ensure efficiency in the database functioning and inputting of data
- Review the current forms and templates used by ORM staff and identify/develop additional ones to help expedite the complaint resolution process
- Provide feedback to ORM staff in newsletters regarding the current backlog situation, ORM’s goals, and progress to date
- Implement a formal employee suggestion program to collect feedback regarding potential work efficiencies and operational barriers
- Sponsor social events such as pizza and birthday parties at the Field Office level to address employee morale and productivity issues.

Regardless of the step or combination of steps ORM chooses to address the situation, elimination of the backlog should be made a top priority. Booz·Allen’s experience in this area is that existing operating structures such as those within ORM are most effective when external factors are minimized. The results of our quantitative and qualitative data suggest that the complaint backlog, as an external factor, is the most significant inhibitor to providing efficient complaint resolution services – and thus warrants attention.

*3.3.3.3 Both ORM and OEDCA should collaboratively re-evaluate proposed staffing levels to meet anticipated changes in complaint volume.*

Currently, ORM and OEDCA collaboratively discuss workload and staffing concerns. ORM and OEDCA should continue to collaborate to determine the staffing levels necessary to effectively respond to changes in workload created by the current increase in complaint volume. A formal staffing analysis should be performed at least yearly<sup>25</sup> and should incorporate, at a minimum, the following types of information:

- Present caseload for each staff position
- Average timeframes currently required to complete each phase of the complaint process

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<sup>25</sup> The Director of OEDCA completed a workload/staffing analysis in March 1999.

- Anticipated decreases in time requirements (e.g., because of increased staff expertise, streamlining of process)
- Expected changes in complaint volume.

*3.3.3.4 ORM should re-evaluate the role of Intake Specialists to determine if they are effective and consider creating an additional position to handle the quality control responsibilities of Intake Specialists.*

In order to reduce the burden on Intake Specialists and improve administrative oversight of staff, ORM should re-evaluate and clarify the role of Intake Specialists. This should include an assessment of the management skills of all Intake Specialists to determine who is qualified for a team leader position. Intake Specialists who are currently not effective as team leaders should receive additional training in supervisory and coaching skills.

In an attempt to reduce the administrative burden experienced by many Intake Specialists, ORM should consider creating a quality control position within each Field Office for a staff member whose primary responsibility is reviewing the work of Counselors and Investigators. This would enable the Intake Specialists to devote more time to performing acceptability determinations. If hiring an additional staff person is not feasible, the quality control position could be a rotating one, with each Intake Specialist assuming the review responsibilities for a temporary period.

*3.3.3.5 ORM should establish formal communication guidelines at Field Offices and train managers (Regional Officers and Intake Specialists) in communication and coaching.*

In order to enhance communication among staff at ORM Field Offices, ORM managers should implement guidelines for the types and frequency of communication. Regional Officers and Intake Specialists should develop these guidelines. The DAS should provide an overarching framework for these guidelines by establishing specific requirements about acceptable and unacceptable communication (e.g., regarding disclosure of case information). One example of an initiative that ORM could take would be to institute case conferences, similar to those used in hospitals. Each job function could meet on a regular basis to discuss redacted case information, ensuring confidentiality by not mentioning case specifics. This would allow ORM staff to share lessons learned and generate solutions.

Managers who are known for their effective communication skills should be instrumental in leading the development of communication guidelines. Additionally, it would be beneficial for all ORM managers (including Regional Officers and Intake Specialists) to receive basic or refresher training in communication.



### 3.4 COMPLAINT ACTIVITY TRENDS

The objective of the complaint activity trend analysis performed by Booz·Allen was to examine trends in complaint activity occurring during various stages of the new CRS. The use of quantitative data allowed Booz·Allen to conduct statistical analyses that might otherwise be impossible with qualitative information, thus providing additional insight regarding the effectiveness of the new CRS. Most importantly, the data allows for direct comparisons in many cases between the functioning of the new CRS and that of the former system.

Booz·Allen utilized several data collection methods to conduct the complaint activity trend analysis, including document and report reviews, interviews, and focus groups. Specifically, Booz·Allen coordinated with ORM to obtain data tracking and statistical reports pertaining to the operations of the new CRS. Many of these reports tracked trends in complaint activity (e.g., number of calls received, number of informal and formal complaints, pending complaint statuses, closed complaint categories, bases/issues of complaints, etc.) on at least a monthly basis. It should be noted that these reports allow ORM to internally track trends occurring across all 12 Field Offices and within specific Field Offices – something previously not done under the former system. In addition to these ORM-generated documents, Booz·Allen collected additional quantitative information and metrics from external sources, including the EEOC.

In addition to the internal document and report review, this section incorporates data from interviews and focus groups. Data reported in both the focus group and interview sessions are included in more detail in Appendix C (Questions 53–56).

In April 1998 the first of 12 ORM Field Offices initiated operations as part of a progressive roll-out. The last Field Offices assumed operations in July 1998. As a result, there was a gap in reporting complaint activity data across the 12 Field Offices during this period. Many of the Field Offices were required to orient themselves with new reporting procedures, in addition to assuming and incorporating complaint activity files from the local VA facilities. Difficulties associated with using ORM's electronic CS-CIMS database (e.g., database downtime, slow response time, backlog in data inputting) also contributed to the gap in complaint activity data.

Beginning in October/November 1998, all 12 Field Offices assumed standardized filing and reporting schedules. The Field Offices therefore became consistent with the types of information they were reporting through CS-CIMS. As part of the current assessment, Booz·Allen analyzed some of the earliest data available through ORM's CS-CIMS reporting procedures. However, our analysis of certain trends outlined in this section primarily includes information from monthly reports submitted for October 1998 and subsequent months. This is because information for many metrics prior to October 1998 was either not available, or not consistently reported by all 12 Field Offices. Regardless of this limitation, Booz·Allen cites throughout this section which specific reports are being referenced. Most importantly, to ensure greater accuracy in the findings of this section, Booz·Allen



incorporates results from the document and report reviews, interviews, and focus groups together in presenting findings, conclusions, and recommendations.

### **3.4.1 Findings**

#### *3.4.1.1 ORM staff have identified problems with the CS-CIMS complaint tracking database.*

The primary tool utilized by ORM to track complaint activity is the CS-CIMS electronic database. A wide variety of data pertaining to complaint activity (e.g., complaint status, location, staff handling the complaint, timeliness, etc.) at different stages of the CRS process is tracked and analyzed using CS-CIMS. Indeed, CS-CIMS serves as the resource through which ORM assesses trends in complaint activity.

During interviews conducted by Booz·Allen in 1998 and 1999, many ORM Regional Officers and staff noted problems with using CS-CIMS. Some of the problems identified included lengthy database “downtime” during which CS-CIMS was not operational, database unresponsiveness, and frequent delays in inputting data. As a result, several staff pointed to a backlog in inputting information into CS-CIMS.

In response to these problems, some Field Offices established their own local database tracking systems to ensure that complaint activity was recorded in a timely fashion. Staff at these Field Offices then entered the information into CS-CIMS when the operating conditions of the database allowed it. As a result, time inefficiencies were created since staff were having to make duplicative entries, or to wait inordinate amounts of time to input information into CS-CIMS. In addition, potential inaccuracies in centralized reporting data may have occurred due to delays in the time that transpired before complaints were actually recorded into CS-CIMS. During our January–February 1999 ORM Field Office visits, most Field Offices reported that they still rely on local database tracking systems because of the problems associated with CS-CIMS.

#### *3.4.1.2 Quantitative and qualitative data point to an increase in informal complaint volume under the new CRS. Despite this increase, ORM has met informal resolution rate targets.*

Figure 40 reflects data pertaining to VA’s informal complaint rates. Specifically, the data show that the number of employees who received EEO counseling through informal complaint procedures increased by 30 percent from FY 97 to FY 98. The data for the first six months of FY 99 also reflect an increase in informal complaint activity.

**Figure 40. Use of the EEO Complaint Resolution System**

	FY 97	FY 98	First 6 Months of FY 99
Number of employees	245,130	240,398	N/A
Number of employees who received EEO counseling	6,059	7,877	3,500
Percentage of employees who received EEO counseling	2.5%	3.3%	N/A
Informal resolution rate	61.8%	83.4%	67.9%
Number of complaints filed through formal channels	2,316	1,307	1,122
Percentage of counseling that resulted in formal complaints	38.2%	16.6%	32.1%

Sources: FY 97 and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints. Subsequent data obtained from Monthly ORM Workload Summary Reports.

Note: Percentages have been rounded to the nearest one-tenth.

As shown in Figure 40, the percentage of employees who received EEO counseling in FY 98 also increased from FY 97 to 3.3 percent. This exceeds the latest published government-wide average of 2.3 percent.<sup>26</sup>

Some of the FY 98 data presented in Figure 40 must be interpreted with caution, since there were likely many formal cases that were unreported under VA's old system. Since FY 98 data incorporate information from both the old and new systems, it is possible that the informal resolution rate was lower than reported in FY 98, and that the number of formal complaints and the percentage of counseling resulting in formal complaints was actually higher than reported. Additionally, the higher complaint activity seen in FY 99 may reflect the fact that cases were not documented prior to the transition to the CRS, and such cases have only recently been reflected in reporting data.

The data presented above corresponds with the results of interview and focus group sessions conducted by Booz·Allen, during which both local VA facility representatives, ORM Regional Officers, Headquarters, and Operations staff agreed that complaint activity has increased under the new system. Some of the reasons cited for this increase are shown in Figure 41.

**Figure 41. To what do you attribute any increase/decrease in complaints?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: Regional Officers, On-site EEO Program Managers, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• The increase in volume is due to higher employee confidence and trust (9)</li> <li>• The newness/novelty of the system makes it attractive to employees (8)</li> </ul>

<sup>26</sup> EEOC's Federal Sector Report on EEO Complaints Processing and Appeals, FY 96.

VA’s 1997 *A Plan for Transformation* established a target informal resolution rate of 65 percent at the EEO counseling stage. While the data shown above certainly reflect higher informal complaint volumes, they also show effectiveness in resolving complaints before they reach the formal stage. For those cases reported in FY 98, the informal resolution rate was 83.4 percent. For the first six months of FY 99, the informal resolution rate was 67.9 percent, still exceeding VA’s established target. In addition, the percentage of counseling resulting in formal complaints during this time was 32.1 percent, lower than in FY 97 under the former system, and lower than the latest government-wide average of 41 percent.<sup>27</sup> Although the informal resolution rate decreased between FY 98 and the first six months of FY 99, this must be interpreted carefully since many complaints were undergoing transition and may not have been documented for the FY 98 report. Additional resolution rate data from subsequent months should be analyzed before reaching firm conclusions. Nevertheless, we acknowledge ORM’s efforts to date in meeting the resolution rate goals established at its outset.

*3.4.1.3 The number of formal complaints filed fluctuated across the past two years. The large number of formal complaints pending reflects ORM’s current backlog situation.*

The information presented in Figure 42 depicts formal complaint activity within the CRS. As shown, the number of formal complaints filed during FY 98 was 1,307, a 44 percent decrease from FY 97. However, the formal complaint activity for the first six months of FY 99 suggests an increase compared to former levels, with approximately 1,122 formal complaints filed.

**Figure 42. Formal Complaint Activity**

	FY 97	FY 98	First Six Months of FY 99
Number of Formal Complaints Filed	2,316	1,307	1,122
Number of Formal Complaints Closed	2,036	1,328	772*
Number of Formal Complaints Pending	2,749	2,753	3,691**

\* Total for period from November 98–March 99. October 98 data not available.

\*\* As of March 31, 1999.

Sources: FY 97 and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints. Subsequent data obtained from Monthly ORM Workload Summary Reports.

The data presented in Figure 42 reflect the current complaint backlog situation faced by ORM. During the September–November 1998 and January–February 1999 site visits by Booz·Allen, ORM personnel cited a heavy backlog of complaints among many of the Field Offices in assuming the complaint logs of local VA facilities. Indeed, ORM discovered hundreds of complaints that were previously undocumented at the local level under the former system.<sup>28</sup> Therefore, the number of formal complaints shown above for FY 98 must be interpreted with caution, since many formal complaints were undergoing transition into

<sup>27</sup> EEOC’s Federal Sector Report on EEO Complaints Processing and Appeals, FY 96.

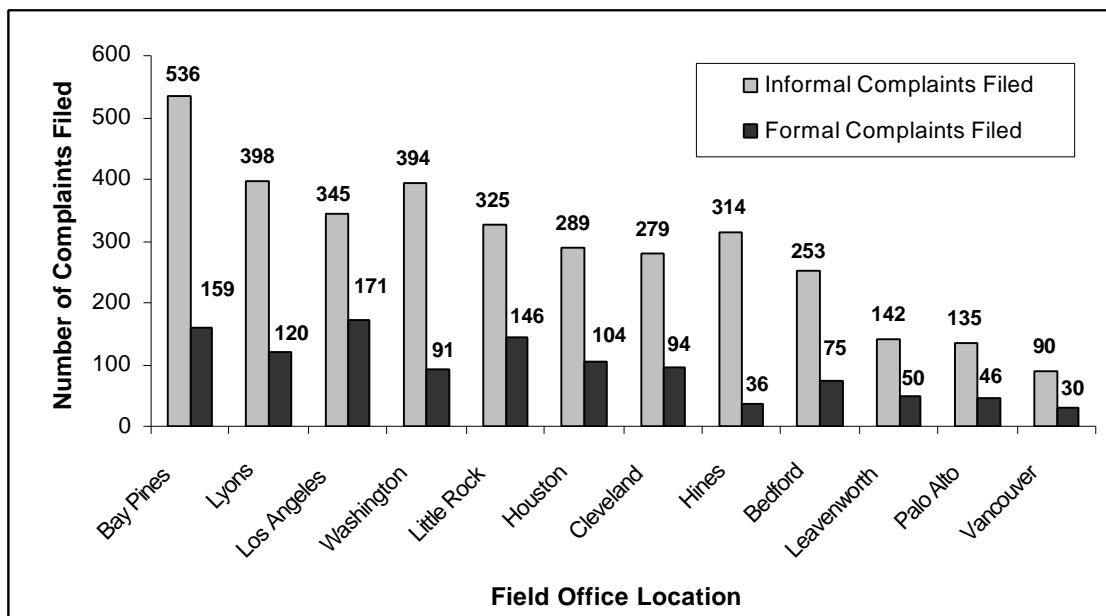
<sup>28</sup> Director’s Report: Office of Employment Discrimination Complaint Adjudication, January 1, 1999.

the new system and may not have been documented for the filing of the FY 98 report. Formal complaint activity subsequent to the FY 98 report may be more reflective of actual levels.

Another striking result evidencing the current backlog situation is that 3,691 formal complaints were pending as of March 31, 1999, an increase of 34 percent from the FY 98 reported level. Again, this increase may be due to previous deficiencies in reporting the entire backlog of previous complaints prior to filing the FY 98 EEO report. Regardless, this result warrants attention by VA and ORM management in ensuring that pending complaint inventories stay at manageable levels, so as not to negatively impact workload or timeliness in processing complaints. This issue is discussed in more detail in this report in Sections 3.2.1.3, 3.2.2.1, 3.2.3.1, and 3.3.2.2.

Booz·Allen also investigated trends in informal and formal complaints filed at the Field Office level between October 1, 1998 and March 31, 1999. This information is presented in Figure 43.

**Figure 43. Informal and Formal Complaints Filed By Field Office Location (10/1/98 – 3/31/99)**



Sources: Data obtained from Monthly ORM Workload Summary and Worksheet Reports.

As shown, the Bay Pines Field Office recorded the largest combined number of informal and formal complaints filed. Other Field Offices (including Lyons, Los Angeles, Washington DC, and Little Rock) also recorded significant levels of incoming complaint activity. The data shown above must be interpreted carefully, since they represent a total of only six months of complaint activity. However, the data also suggest geographic and local facility differences with respect to complaint activity.

3.4.1.4 Interview results identify no major differences in complaint activity relative to local facility size.

ORM Headquarters does not currently track complaint activity trends relative to the per capita sizes of the facilities from which they originated. However, it is our understanding the ORM will begin to track this information in Spring 1999. Specifically, ORM Field Offices will report the top 20 VA facilities in complaint activity on a per capita basis, allowing for differentiation in complaint activity trends at small, medium, and large VA facilities.

Our interview results reveal that most ORM Regional Officers, Headquarters, and Operations staff speculate that complaint volume is generally proportional to facility size (i.e., VA facilities with fewer employees will have less complaint activity than facilities with more employees). Most ORM Regional Officers agree that beyond this proportional relationship, size is not a major factor affecting complaint volume. A few interviewees pointed to other factors, including geographic location, facility diversity, and local internal politics, that may be more influential than facility size in determining complaint activity.

3.4.1.5 Incoming telephone call statistics reflect increased usage of the new CRS among employees.

As part of the new CRS, VA established a toll-free telephone number for employees to contact as the first step in the complaint resolution process. When an individual calls the toll-free number, the call is forwarded to the appropriate Field Office. The data presented in Figure 44 provide information regarding incoming phone calls recorded by each of the ORM Field Offices and submitted to ORM’s Office of Field Operations. An aggregation of these data provides an indication of incoming complaint activity throughout ORM.

**Figure 44. Incoming Telephone Call Activity**

	Total Number of Incoming Telephone Calls	Average Number of Incoming Phone Calls Per Field Office For the Quarter
3 <sup>rd</sup> Quarter 1998	*12,020	1,002
4 <sup>th</sup> Quarter 1998	**18,140	1,512

\* Data were only available from 10 Field Offices; number represents an estimated total for 12 Field Offices.

\*\* Data missing from one Field Office in December 1998; number represents an estimated total.

Sources: Data obtained from Monthly and Quarterly ORM Workload Summary Reports.

Note: Average numbers have been rounded.

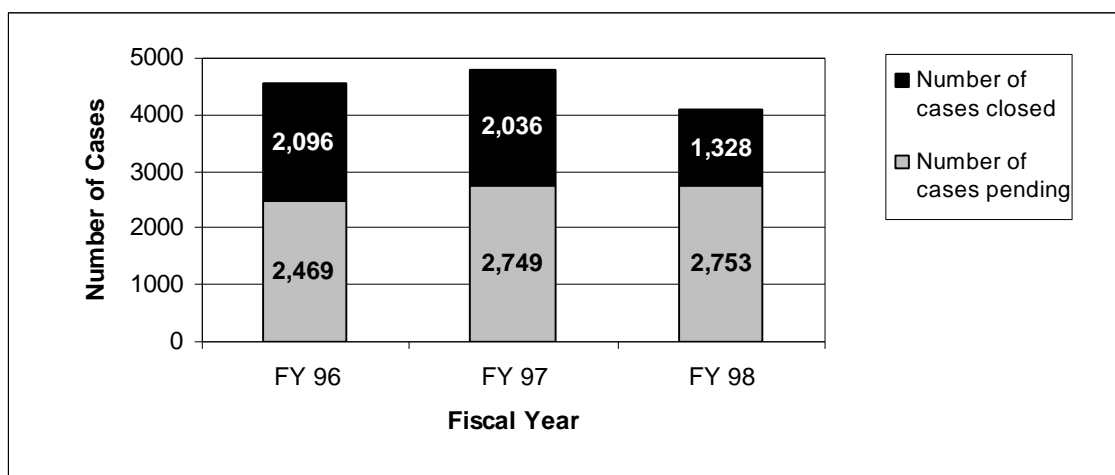
As shown in Figure 44, there was a large increase in incoming telephone call activity between the third and fourth calendar-year quarters of 1998. Specifically, incoming telephone calls increased by more than 50 percent in the 4<sup>th</sup> quarter, to 18,140 total calls. Indeed, during the course of interviews and focus groups conducted in 1998 and 1999, Booz·Allen noted increased recognition by employees of the differences between the new CRS and the former system, including the availability of a toll-free telephone number. While the data presented above seem to coincide with increases in overall complaint activity, they

may also exemplify a greater awareness by employees in using the toll-free telephone number.

**3.4.1.6** *Complaint inventory data provide additional evidence regarding the current backlog situation faced by ORM.*

As shown earlier and evidenced in Figure 45, fewer formal complaints were closed in FY 98 than in FY 97. In addition, a slightly larger number of complaints remained pending in FY 98 than in FY 97. Some of the reasons behind these fluctuations were discussed earlier in this section; nevertheless, the data point to an increase in complaint backlog – with fewer complaints being closed and a greater number of complaints remaining pending in FY 98.

**Figure 45. Complaint Inventory**

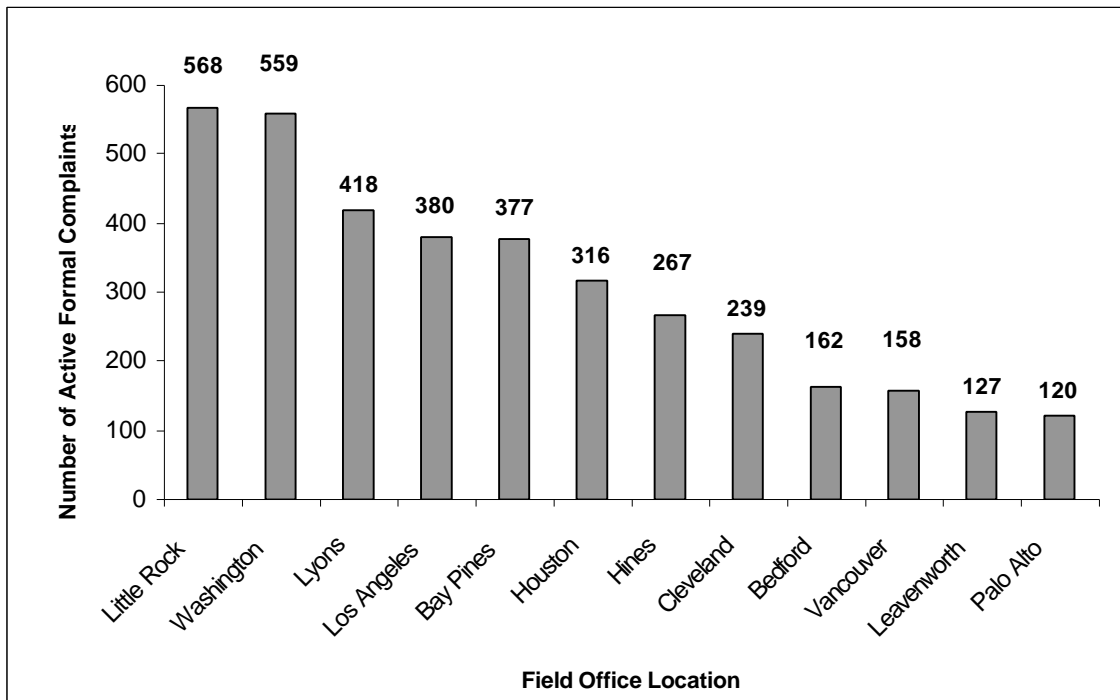


*Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.*

*Note: Data shown above for a fiscal year may include cases filed in previous years, since cases can extend over one or more fiscal years. Data do not reflect the number of cases closed or left open of those cases filed in a given year.*

As discussed earlier, from October 1, 1998 through March 31, 1999, the number of formal complaints pending increased by 34 percent to 3,691 as recorded by ORM. Not surprisingly, there were several ORM Field Office locations overseeing more formal complaints pending than others. This information is reflected in Figure 46.

**Figure 46. Formal Complaints Pending by Field Office Location as of March 31, 1999**



Source: Data obtained from March ORM Workload Worksheet Report.

Note: Data shown as of March 31, 1999.

As shown in Figure 46, the three ORM Field Office locations with the most formal complaints pending as of March 31, 1999 included Little Rock, Washington DC, and Lyons. Conversely, the three locations with the fewest complaints pending included Palo Alto, Leavenworth, and Vancouver. There is a large amount of variance in the number of formal complaints pending between Field Offices; for example, the Little Rock Field Office recorded more than four times as many complaints pending as the Palo Alto Field Office.

These data correspond somewhat with the data regarding informal and formal complaint activity across the ORM Field Offices (as recorded from October 1998 through March 1999) in that Bay Pines, Lyons, and Los Angeles experienced the highest levels of recorded complaint activity, and Vancouver, Palo Alto, and Leavenworth recorded the lowest levels. Taken together, these data certainly reflect Field Office differences in the total number of formal complaints pending, and as such suggest Field Offices with more extreme backlog situations than others. Booz·Allen acknowledges that these differences may be based in part on how long the Field Offices have been operational; nevertheless, the results warrant further analysis of subsequent data and the attention of ORM.

3.4.1.7 *The distribution of pending complaints by category fluctuated significantly between FY 97 and FY 98.*

Of those formal complaints recorded as pending in FY 98, many were identified as being at different stages of the formal complaint process. EEOC currently requires that Federal agencies differentiate their pending formal complaints for reporting purposes into one of the four categories shown below:

- *Written acknowledgement of receipt* – The complaint is being reviewed for acceptability for further processing (investigation) or dismissal.
- *Investigation* – The complaint is either pending or currently being investigated.
- *Hearings* – The complaint is either pending or currently undergoing a hearing/adjudication by the EEOC.
- *Final Decision by the Agency* – The complaint has been referred to the Office of General Counsel (OGC)<sup>29</sup> or the Office of Employment Discrimination Complaint Adjudication (OEDCA) for a final agency decision.

Figure 47 presents a breakdown of the complaints pending by EEOC category for FY 96 through January 31, 1999.

**Figure 47. Pending Complaints by Category**

	FY 1996	FY 1997	FY 1998	As of January 31, 1999
Written acknowledgement of receipt	441 (18%)	523 (19%)	1,309 (48%)	1,088 (34%)
Investigation	1,250 (51%)	1,184 (43%)	627 (23%)	1,010 (32%)
Hearings	544 (22%)	685 (25%)	686 (25%)	880 (28%)
Final decision by the agency	234 (9%)	357 (13%)	131 (5%)	200 (6%)
Total	2,469 (100%)	2,749 (100%)	2,753 (100%)	*3,178 (100%)

Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

Notes: Percentages have been rounded to the nearest whole number.

ORM does not currently provide pending complaint category data in its Monthly Workload Reports in a manner totally consistent with category data reported annually to the EEOC; data as of January 31, 1999 represent the most recent information available.

A total 3,834 formal complaints were recorded as pending by January 31, 1999; information pertaining to only 3,178 of these complaints was available.

Of the 2,753 formal complaints reported as pending in FY 98, approximately 48 percent were at the written acknowledgement of receipt stage. This represents a significant increase over the FY 97 level. Data as of January 31, 1999 also reflect a large number of formal complaints pending at the written acknowledgement of receipt stage. In addition,

<sup>29</sup> The Office of General Counsel (OGC) managed the final agency decision process (through early 1998) under the former system. OEDCA currently manages the final agency decision process.



there were large fluctuations across time in the percentage of formal complaints at the investigative stage, with currently about one-third of all pending complaints either awaiting or undergoing investigations.

The higher percentages of complaints at the written acknowledgement of receipt and investigation stages are significant because they speak to the role of ORM Intake Specialists and Investigators, who are primarily responsible for performing the work required as part of those stages. The results suggest a heavy workload situation among Intake Specialists and Investigators – an issue that is discussed in more detail in Sections 3.3.1.3 and 3.3.1.4 of this report.

*3.4.1.8 The distribution of closed complaints by category remained fairly steady across the past two fiscal years.*

EEOC also requires Federal agencies to report the categories of complaints that have been closed during the most recent fiscal year. Similar to the pending complaints reporting procedures, there are four categories against which closed complaints can be recorded, including:

- *Dismissals* – The complaint has been dismissed.
- *Withdrawals* – The complaint has been withdrawn from the process by the complainant, and is therefore considered closed.
- *Settled* – The complaint has concluded with a settlement.
- *Final Agency Decision* – The complaint has concluded based on a final agency decision by OGC (through early 1998) or OEDCA.

Figure 48 provides a breakdown of closed complaints by EEOC category for FY 96 through FY 98. As shown in the table, there was little fluctuation in the distribution of closed complaints between FY 97 and FY 98. It is our understanding that ORM is currently coordinating with OEDCA to ensure tracking the closure complaint categories for FY 99 and future reporting purposes.

**Figure 48. Closed Complaints by Category**

	FY 1996	FY 1997	FY 1998
Dismissals	567 (27%)	434 (21%)	298 (22%)
Withdrawals	244 (12%)	189 (9%)	133 (10%)
Settlements	667 (32%)	571 (28%)	387 (29%)
Final agency decisions	618 (29%)	842 (41%)	510 (38%)
Total number of closures	2,096 (100%)	2,036 (100%)	1,328 (100%)

Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

Note: Percentages have been rounded to the nearest whole number.

3.4.1.9 Since its inception, OEDCA has accepted a greater percentage of EEOC findings of discrimination than did OGC.

Once an investigation into a complaint is completed, the complainant can choose an EEOC hearing or a final agency decision by OEDCA. If a formal hearing is requested, EEOC will conduct the hearing and determine a conclusion either finding for or against the occurrence of discrimination. In such cases, the conclusion is reviewed and either accepted, modified, or rejected as the final agency decision by OGC/OEDCA. Presented in Figure 49 is a breakdown of closed complaints according to the final agency decision categories for FY 96 through FY 98.

**Figure 49. Final Agency Decision Categories**

	FY 1996	FY 1997	FY 1998
<b>Result of Hearing: Discrimination is Concluded</b>	<b>36</b>	<b>10</b>	<b>23</b>
Accepted by Agency Decision	4	2	7
Modified by Agency Decision	0	0	0
Rejected by Agency Decision	32	8	16
<b>Result of Hearing: Discrimination is Not Concluded</b>	<b>278</b>	<b>261</b>	<b>295</b>
Accepted by Agency Decision	251	261	295
Modified by Agency Decision	27	0	0
Rejected by Agency Decision	0	0	0

Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

As shown in Figure 49, for FY 98 there were 23 recorded EEOC conclusions of discrimination as a result of a hearing, and 295 hearing conclusions that discrimination did not occur. The data associated with these conclusions have remained generally constant from FY 96 through FY 98 given the number of cases for which the EEOC conducted hearings.

The FY 98 data reported above describe the final agency decisions as reached by OGC under the former system, and then by OEDCA after the new system was implemented. However, separate data were also available regarding decisions made solely by OEDCA under the new system. Between February 19, 1998 and December 1, 1998, EEOC made 14 hearing conclusions that discrimination did occur. Of these, nine conclusions (approximately 64 percent) were either accepted or modified by OEDCA.<sup>30</sup> This result should be compared to FY 97, when OGC accepted or modified only 20 percent (2 out of 10) of EEOC conclusions of discrimination. While the data presented are limited in frequency, they suggest OEDCA's effectiveness in remaining neutral and independent from VA management as a decision-making authority – one of its primary objectives under the new CRS.

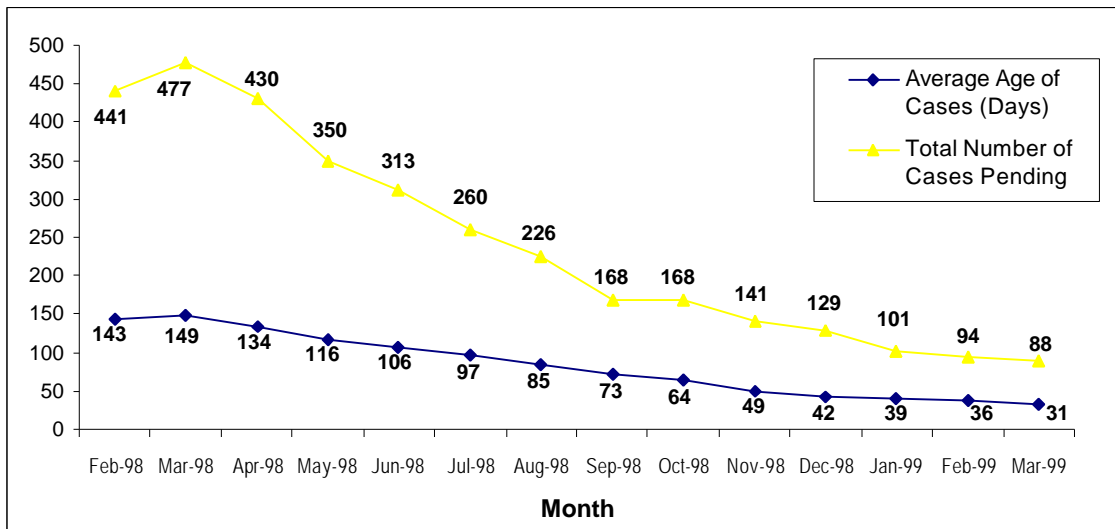
<sup>30</sup> Director's Report: Office of Employment Discrimination Complaint Adjudication, January 1, 1999.

3.4.1.10 OEDCA has significantly reduced its backlog and improved timeliness in final agency decision processing since its inception.

During Booz-Allen’s interviews conducted with OEDCA representatives, most personnel felt that OEDCA’s final agency decisions are being made in a timely manner, and that timeliness would increase even more once the backlog of complaints is reduced. In addition, most OEDCA personnel felt their organization was adequately staffed to effectively provide final agency decisions. However, many ORM Regional Officers expressed uncertainty during interviews conducted in September–November 1998 regarding the effectiveness and timeliness of OEDCA, with most agreeing that more time would be required before a judgement could be made.

Quantitative data regarding caseload history and timeliness reflect increased efficiency in OEDCA’s complaint processing procedures. Since February 1998, the average age of cases and total number of cases pending decision by OEDCA has decreased significantly. This information is presented in Figure 50.

Figure 50. OEDCA Caseload and Timeliness



Source: Office of Employment Discrimination Complaint Adjudication, Case Data 1998 and 1999

Note: The figures presented above are approximations and have been rounded to the nearest whole number.

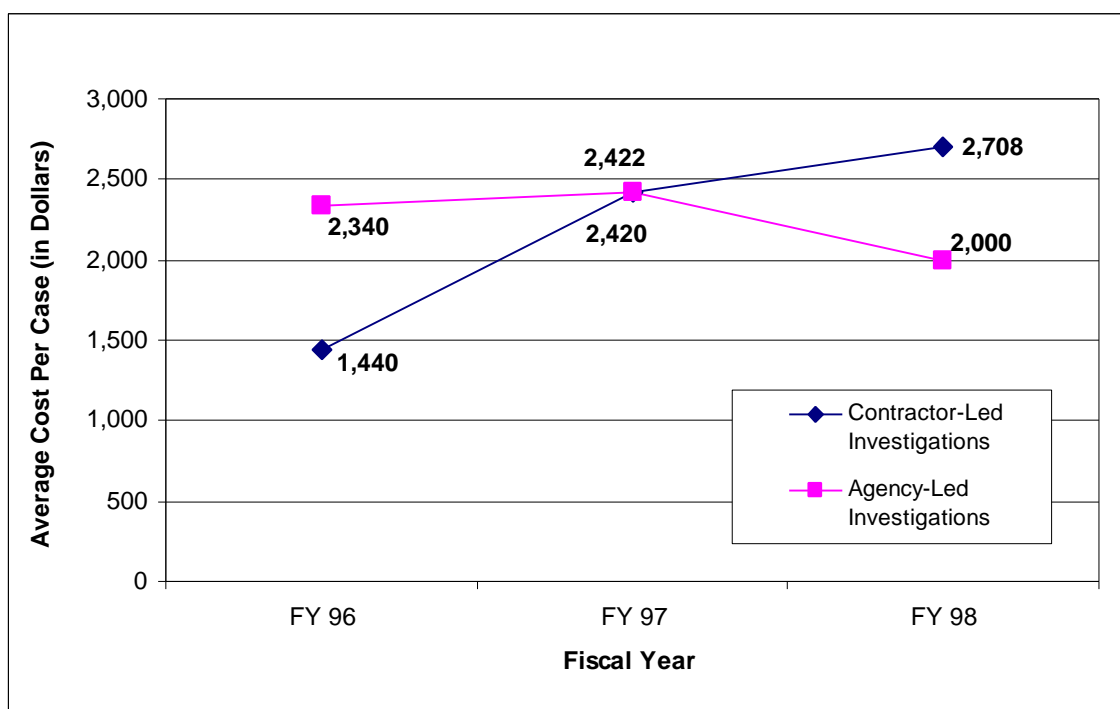
As shown in Figure 50, the average age of pending or backlogged cases managed by OEDCA has decreased from February 1998 levels by approximately 78 percent to 31 days as of March 1999. The total number of cases pending decision has also steadily declined during this period, by 80 percent to 88 cases pending. In addition to the information presented above, OEDCA tracks its average processing time in providing final agency decisions for new complaints. As of March 1999, OEDCA’s average case processing time was 49 days.

Regulatory timeframes stipulate that final agency decisions should be issued within 60 days, a goal that OEDCA achieved in February 1999 and has subsequently surpassed.<sup>31</sup>

3.4.1.11 While the average cost per case of agency-led investigations decreased in FY 98, the average cost per case of contractor-led investigations increased. FY 99 travel caps have been established for ORM Field Office personnel.

VA tracks the costs of conducting EEO investigations by both agency personnel and contractors. The average cost per case for those cases completed in FY 98 and previous fiscal years by agency personnel and contractors is shown in Figure 51. As indicated, the cost of agency-led investigations in FY 98 was approximately 26 percent less than the cost of contractor-led investigations. In fact, the results show that average cost of contractor-led investigations has increased 88 percent from FY 96 levels. These findings suggest greater cost efficiencies through the use of agency-led investigations. However, it is not clear whether the cost savings realized through the use of agency-led investigations can be directly linked to the new CRS since the FY 98 data also covered investigations under the former system. Subsequent cost per case data should be analyzed before reaching conclusions.

Figure 51. Cost of Investigations



Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

Note: Figures have been rounded to the nearest whole number.

<sup>31</sup> Director’s Report: Office of Employment Discrimination Complaint Adjudication, January 1, 1999.

One factor affecting the cost of agency-led or contractor-led investigations is travel costs. Under the new CRS, most ORM Field Office staff can incur travel costs since they are dispatched from Field Offices rather than from local VA facilities. As part of the new system, ORM has established FY 99 travel caps as guidelines for various staff including Regional Officers, Intake Specialists, Counselors, and Investigators. The travel cap amounts represent the total dollar amounts that staff should not exceed in combining the costs from all of their FY 99 trips. They are listed below:

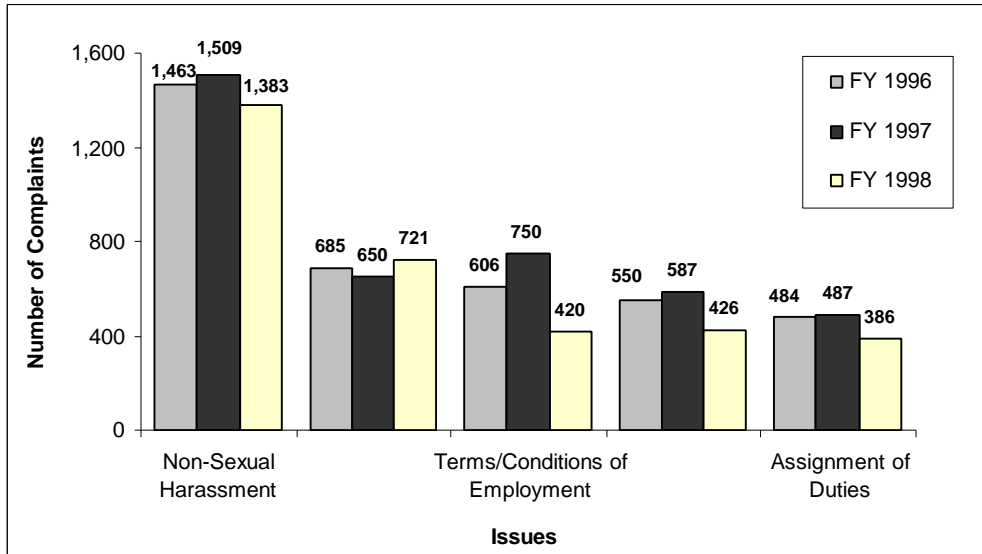
- Regional Officers: \$10,000
- Intake Specialists: \$2,000
- Counselors: \$2,000
- Investigators: \$10,000.

Should staff exceed their travel cap amounts in FY 99, they can request additional travel funding through ORM Headquarters. As of January 31, 1999, a total of \$976,000 was obligated by ORM for travel by all staff in FY 99. In comparison, the 1997 *A Plan for Transformation* estimated \$1,400,000 in travel obligations for FY 99.

*3.4.1.12 In FY 98, the most common issue for filing alleged discrimination within VA was non-sexual harassment, while the most common basis for filing alleged discrimination was reprisal. Although not required by the EEOC, ORM conducts trend analyses of issues and bases.*

The EEOC tracks EEO complaints against 25 issues of alleged discrimination. An issue is defined as the employment-related harm alleged to have been the result of discrimination. Complainants can file a complaint on one or more issues, but the issues must be determined by the time the complaint reaches the formal processing stage. The five most common issues identified in FY 97 remained the same in FY 98, as reflected in Figure 52.

**Figure 52. Most Common Issues of Alleged Discrimination within VA**

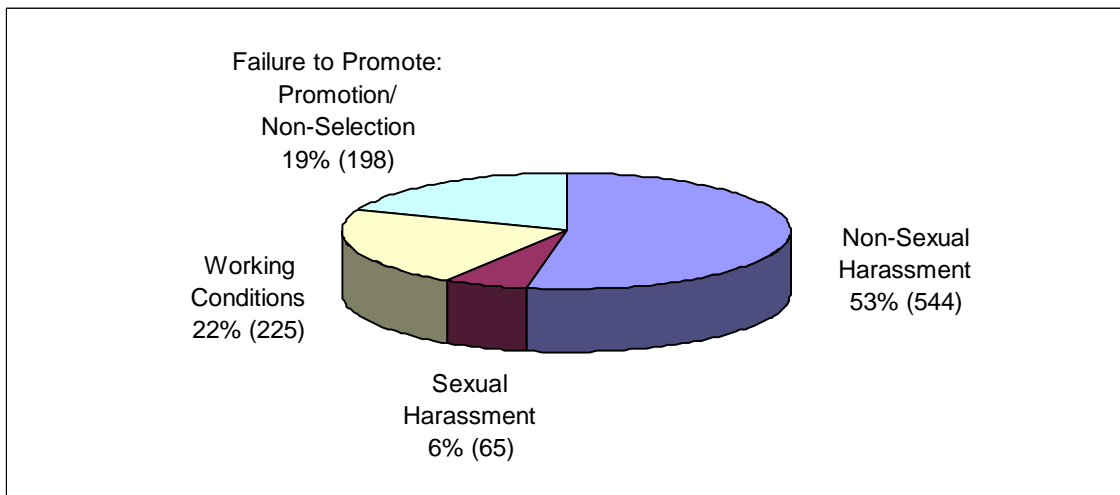


Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

As shown above, non-sexual harassment, promotion/non-selection, terms/conditions of employment, evaluation/appraisal, and assignment of duties were identified as the most common complaint-related issues. Appendix E to this report provides a complete listing, in rank order, of the issues on which complaints were filed in FY 96, FY 97, and FY 98. As part of the new CRS, ORM is currently tracking all complaint issues identified through its CS-CIMS database. ORM Headquarters is also conducting an analysis aimed at monitoring trends with respect to issues and bases filed, as well as root cause identification for complaints that are submitted. For the purposes of this analysis, ORM tracks trends with respect to four issues in particular – promotion/non-selection (failure to promote), non-sexual harassment, sexual harassment, and working conditions<sup>32</sup>. These issues were chosen by ORM as the primary and most critical issues to report on.

Presented in Figure 53 is a breakdown of the issues recorded by ORM staff for the period from July 1, 1998 through December 31, 1998.

**Figure 53. Breakdown of Issues Recorded by ORM**



Sources: *Root Cause Quarterly Reports, July–September 1998 and October–December 1998.*

Note: *The percentages have been rounded to the nearest whole number, and are approximations since two Field Offices did not report root causes for the July-September reporting period. Statistics represent a breakdown of the issues raised in each complaint, and do not reflect the total number of complaints filed.*

As shown, the most commonly cited issue in complaints recorded by ORM staff was non-sexual harassment. Sexual harassment was recorded least frequently of the four issues. The prevalence of issues recorded by ORM above generally reflects the results of the FY 96 through FY 98 reports submitted to the EEOC, with non-sexual harassment being identified as the most significant issue.

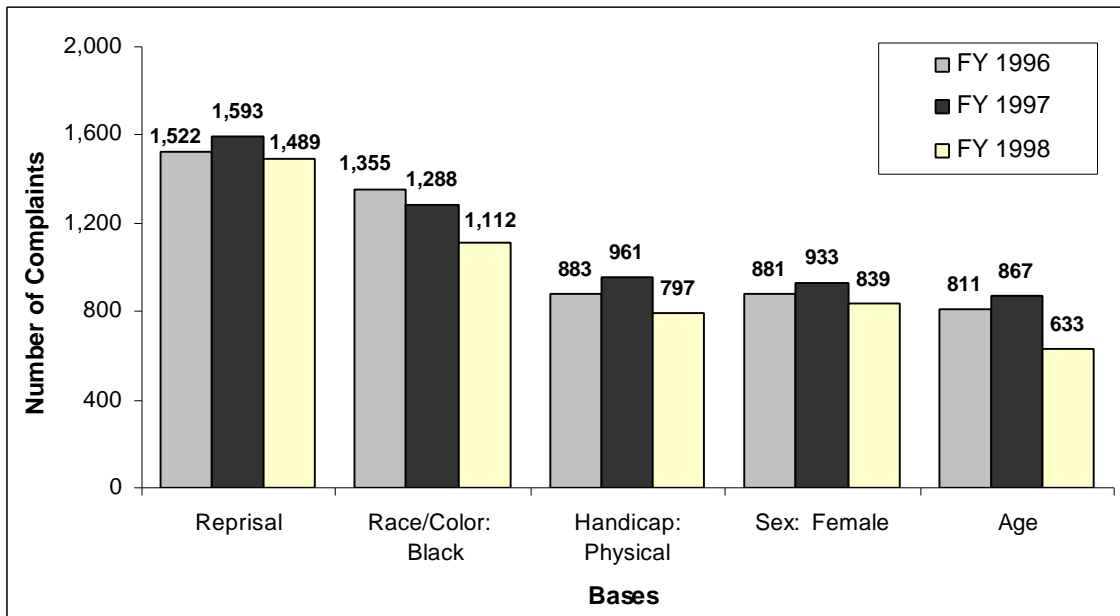
<sup>32</sup> ORM is currently redefining the “working conditions” issue so that it is more specific and corresponds more directly with EEOC’s stated issues.

To supplement the quantitative results shown above, Booz·Allen also asked ORM Regional Officers, Headquarters staff, and Operations staff in our interviews about changes in the prevalence of issues under the new CRS. The majority of interviewees believed that the issues filed have remained consistent over time. However, several interviewees felt that certain issues in particular (e.g., harassment, promotion/non-selection) have increased in frequency under the new system.

Booz·Allen acknowledges that some issues in particular may have increased or decreased in prevalence from their levels under the former system. However, more data must be analyzed and standardized before such conclusions can be reached. Nevertheless, we recognize that ORM has taken great strides in tracking trends in issues through its analysis activities, given the fact that EEOC does not require such work to be conducted.

EEO complaints are also tracked by the EEOC against eight bases of alleged discrimination. Bases are defined as the eight protected class statuses (race, color, religion, sex, national origin, age, disability, and reprisal) upon which a person may file a complaint of discrimination. Similar to the filing of issues, complainants can file complaints on one or more bases. Complainants are permitted to add a basis at any time during the complaint process. The five most common bases identified in FY 97 remained the same in FY 98, as reflected in Figure 54.

**Figure 54. Most Common Bases of Alleged Discrimination within VA**



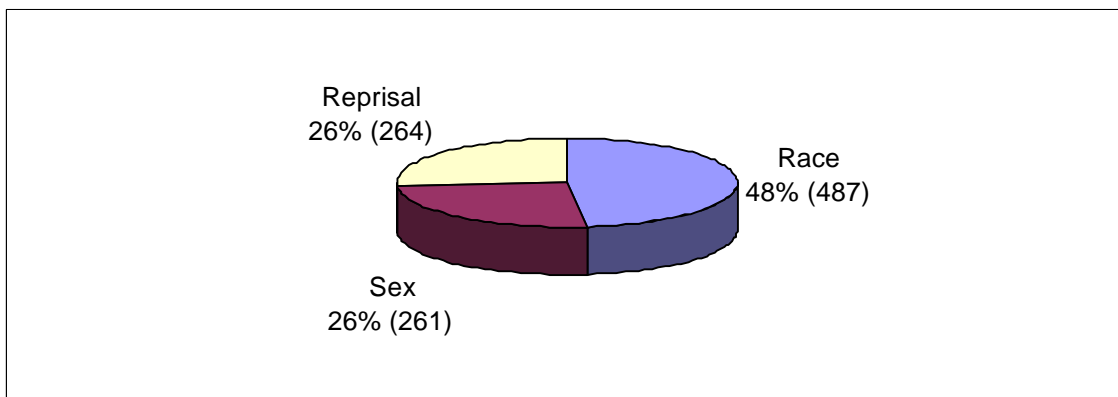
Sources: FY 96, 97, and 98 data obtained from the respective Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

As shown above, the five most commonly cited bases of discrimination included reprisal, race-color: black, handicap: physical, sex: female, and age. Appendix F provides a

complete listing, in rank order, of the bases on which complaints were filed in FY 96, FY 97, and FY 98. As part of its ongoing analysis, ORM has also been tracking trends for three bases in particular – reprisal, race, and sex. These bases were chosen by ORM as the primary and most critical bases to report on, although ORM does track the frequency of all eight bases through its CS-CIMS system.

Presented in Figure 55 is a breakdown of three of the eight bases recorded by ORM staff for the period from July 1, 1998 through December 31, 1998. As shown, race was the most commonly cited basis for filing a complaint as recorded by ORM staff. Reprisal and sex were less significant in their prevalence. In comparing these data to FY 96 through FY 98 data reported to the EEOC, it appears that the identification of race as a basis was more common under the new CRS than it was under the former system.<sup>33</sup> It is unclear whether this finding can be directly linked as a result of the new CRS, or if it simply reflects changes in the work environment and patterns of alleged discrimination. A review of government-wide EEOC data for FY 98 reveals that race was listed as the most frequently cited basis of discrimination, cited in 36.2 percent (28,820 of 79,591) of total charges. Sex discrimination and reprisal were the second and third most commonly cited bases respectively.<sup>34</sup>

**Figure 55. Breakdown of Race, Sex, and Reprisal Bases Recorded by ORM**



Sources: *Root Cause Quarterly Reports, July–September, 1998 and October–December, 1998.*

Notes: *The percentages have been rounded to the nearest whole number, and are approximations since two Field Offices did not report root causes for the July-September reporting period. Statistics represent a breakdown of the bases raised in each complaint, and do not reflect the total number of complaints filed.*

*Data shown above pertain to the frequency of only three cited bases; ORM does track prevalence of all eight bases through its CS-CIMS system.*

<sup>33</sup> As a basis recorded in ORM's *Root Cause Report*, race can include alleged discrimination according to several categories, including being Black, White, American Indian/Alaska Native, and Asian/Pacific Islander. In VA's FY 98 report to the EEOC, there were 1,112 recorded allegations of discrimination on the basis of being Black. There were 191 allegations of discrimination among the three remaining race categories. The total (1,303) still did not surpass the number of allegations of discrimination on the basis of reprisal (1,489).

<sup>34</sup> EEOC Charge Statistics: FY 1992 Through FY 1998, <http://www.eeoc.gov/stats/charges.html>.



The results from our interviews with ORM Regional Officers, Headquarters staff, and Operations staff somewhat contradict data from the bases recorded by ORM during the period. While most interviewees believed that the bases recorded under the new system have remained consistent, some felt that reprisal as an alleged basis of discrimination has increased in particular. At least one published article would concur with this sentiment, noting that allegations of reprisal/retaliation have increased sharply over the past four years, accounting for 24 percent of total government-wide charges reported to the EEOC.<sup>35</sup>

These results reflect mixed opinions regarding the prevalence of bases such as race and reprisal under the new CRS. Booz-Allen believes that subsequent data must be analyzed before reaching firm conclusions. Nevertheless, ORM's efforts in these areas reflect a proactive approach in ensuring that it recognizes and can act upon specific patterns of alleged discrimination occurring within the VA – something that was not previously done in a centralized fashion under the former system.

#### *3.4.1.13 ORM tracks the root causes underlying complaints that are submitted to the CRS.*

Although not required by the EEOC, ORM performs an analysis of root causes underlying complaints that are submitted to the CRS. As part of this analysis, ORM staff are requested to provide their professional judgement regarding the root causes underlying complaints they are handling that appear to be of a non-discriminatory nature. ORM has divided the identification of root causes into the five categories listed below:

- Misinformation
- Lack of Training
- Unfamiliarity with Policies/Regulations
- Lack of Communication
- Other (e.g., personality conflicts between management and employees).

Root causes identified are then entered into a computer database, allowing for subsequent quantitative reporting and trend analysis. It is our understanding that ORM is currently standardizing the approach to the root cause identification process (e.g., who identifies the root cause, when is the root cause identified, common definitions for root cause categories), since this is a completely new endeavor for ORM and VA. A breakdown and description of root cause data across the past several months can be found in Section 3.13.1.4 of this report.

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<sup>35</sup> Joyner, Tammy. "EEOC Set to Launch Mediation Program," *The Atlanta Journal and Constitution*, February 23, 1999.

### 3.4.2 Conclusions

#### 3.4.2.1 *ORM's complaint activity tracking and trend analyses go beyond governmental requirements to foster greater insight regarding complaints and the effectiveness of the CRS.*

ORM has been proactive in tracking complaint activity and conducting trend analyses of the results. Indeed, many of the statistical complaint activity reports generated by ORM provide information on at least a monthly basis, allowing for timely complaint monitoring and subsequent operational CRS adjustments as necessary. In addition, the statistical reports allow for monitoring across all 12 Field Offices and within specific Field Offices. This facilitates ORM's ability to pinpoint specific strengths and improvement opportunities and make adjustments in resource allocations as needed.

One of the most unique aspects of ORM's tracking and trend analyses is its identification of root causes underlying complaint activity. By monitoring root cause information, ORM gains a more complete understanding of the problems underlying complaints and what should be done to address them. ORM can point to quantitative data in its *Root Cause Reports* providing the justification for future action steps, such as increasing training or communication.

ORM's efforts in performing trend analyses of complaint activity and root causes exceed EEOC's requirements of Federal agencies. Typically the primary EEOC requirement involves the submittal of a formal report of organization-wide complaint activity at the close of the fiscal year. Beyond this yearly report, however, EEOC does not mandate that organizations conduct ongoing analyses of complaint activity at different stages in the resolution process. The EEOC annual report does not address information regarding root causes underlying complaints, an aspect of complaint monitoring that sets ORM and the VA apart from other Federal agencies.

#### 3.4.2.2 *ORM's CS-CIMS database tracking system is not fully operational, preventing effective data tracking.*

Despite the gains made by ORM in actually conducting trend analyses of complaint activity data, fundamental operating problems exist with the CS-CIMS information management tool used to track and store these data. As a result, ORM staff are required to spend excessive time on administrative and computer processing tasks that could otherwise be spent working on the core responsibilities inherent to their positions. Reliability of the CS-CIMS database ultimately hinges on the integrity of the underlying operating system. If ORM can ensure CS-CIMS reliability, then it will help to expedite complaint processing activities.

In response to the aforementioned problems with CS-CIMS, it is our understanding that ORM hired a contracting firm in March 1999 to evaluate the database problems and recommend solutions. The contractor findings are due to ORM in June 1999.

*3.4.2.3 Favorable employee attitudes toward the new CRS have likely led to a substantial increase in incoming complaint activity.*

As discussed earlier, recent ORM complaint statistics reflect large increases in the number of incoming telephone calls received, as well as in the number of informal complaints filed. The reasons behind these changes include more favorable perceptions by employees of the new CRS. As discussed in Section 3.2.1.6, employees trust the new CRS to be fair and honest.

The increases in incoming complaint activity require the attention of ORM. It is imperative that ORM have the appropriate mechanisms in place to handle fluctuations in informal complaints. ORM must acknowledge that it has a certain degree of control in resolving informal complaints before they become formal, thereby preventing extra burden on the CRS.

*3.4.2.4 A large number of previously undocumented complaints, coupled with the backlog from the old system, have put an additional burden on the CRS.*

The number of formal complaints pending in the CRS backlog has increased significantly across the past several months, in part due to the recent discovery of previously undocumented complaints from the old system. The excessive backlog is preventing ORM from meeting its goals of timeliness in the investigative process (see Section 3.3.2.2). Clearly, the backlog is placing extra burden on the CRS, and requires the immediate attention of ORM.

*3.4.2.5 OEDCA has been effective in managing the final agency decision process.*

OEDCA has certainly demonstrated effectiveness in reducing the backlog of final agency decisions and improving timeliness. In addition, limited data regarding final agency decision outcomes suggest that OEDCA has been able to maintain its independence and objectivity from VA as a decision-making authority. Furthermore, most OEDCA personnel express satisfaction with the staffing situation and how OEDCA is managed. Taken together, these findings point to OEDCA's overall effectiveness in issuing final agency decisions – despite initial challenges as a new organization with a backlog of its own. VA has appropriately positioned OEDCA as manager of the final agency decision process.

### **3.4.3 Recommendations**

*3.4.3.1 ORM should continue to monitor trends in complaint activity and root causes to facilitate the action planning process.*

Booz-Allen recognizes ORM's proactive efforts in conducting trend analyses of complaint activity and root cause identification at different stages of the CRS. Since the new CRS has only been operating a little more than one year, identification of trends and conclusions can be difficult given limited complaint data. However, with subsequent data and additional time, the identification of trends and conclusions by ORM should be facilitated – ultimately leading to timely and effective action planning. Toward this end, ORM should continue to conduct both centralized and Field Office specific analyses of

complaint activity trends (e.g., informal resolution rate tracking, number of formal complaints filed and pending, cost and budgeting data, issues and bases, etc.). In addition, ORM should expedite the process for standardizing an approach to root cause identification, thus maximizing the effectiveness of this tool. These steps will help to ensure not only that ORM recognizes patterns that exist within its own system, but also that it takes the appropriate interventions as necessary to address them.

*3.4.3.2 ORM should conduct an audit to ensure that CS-CIMS accounts for all previous complaint activity in an accurate and comprehensive fashion.*

ORM should continue its efforts toward improving CS-CIMS. The burden on staff created by the complaint backlog situation becomes more difficult when the tracking database experiences frequent downtime or unresponsiveness. To address this issue, ORM should continue to devote resources to CS-CIMS until it is fully operational.

As discussed above, perhaps the most significant issue requiring attention by ORM is the large number of formal backlogged complaints (formal complaints pending). Certainly the backlog situation has direct implications on workload and staffing, an issue that is discussed in Section 3.3.2.2. Aside from workload and staffing implications and as discussed earlier in this section, ORM has discovered numerous complaints that were previously unaccounted for under the old system. The rise in formal complaints pending can be attributed partly to the fact that such complaints have only recently been recorded by ORM through its CS-CIMS database. As one step to addressing this issue, ORM must verify that all complaints have been accounted for and recorded completely in CS-CIMS. Toward this end, ORM should conduct a Field Office and CS-CIMS audit to ensure that all complaints have been recorded. Those complaints that are recorded should be entered at the appropriate stage of complaint processing, and outdated or inactive complaints should be closed. This will ensure greater accuracy in recorded complaint activity, ultimately increasing the effectiveness of CS-CIMS as a tool for complaint and performance feedback.

While ORM is taking a proactive approach to monitoring complaint activity at different stages of the CRS, there can be inconsistencies, reporting gaps, and/or inaccuracies associated with any newly established data tracking system. ORM should strive to identify and eliminate these to ensure its databases contain valid and reliable information.

*3.4.3.3 ORM should ensure that informal complaint resolution rate targets continue to be met.*

As evidenced by the data presented earlier in this section, the amount of incoming complaint activity has increased significantly under the new CRS, particularly at the informal complaint processing stage. Although the number of informal complaints has increased, it is our interpretation that this is not necessarily a negative result of the new CRS. On the contrary, a higher number of informal complaints may be due to CRS effectiveness as a neutral and independent mechanism from VA management in soliciting concerns from employees that might otherwise not be addressed. It is also possible that the larger number of informal complaints reflects changes in organizational culture, climate, or patterns of discrimination.

Regardless of the actual reasons underlying the rise in informal complaints, it is imperative that ORM place emphasis on the informal resolution rate and the extent to which VA meets pre-established resolution rate targets. To ORM's credit, it has demonstrated effectiveness to date in meeting informal resolution rate goals – despite increases in incoming informal complaints. ORM should strive to continue to achieve these goals, thus ensuring CRS effectiveness regardless of fluctuations in informal complaint activity.

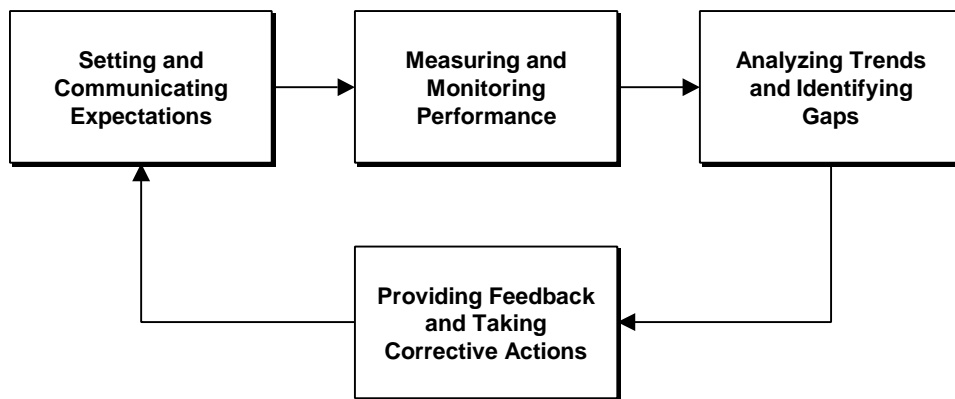
*3.4.3.4 OEDCA should collaborate with ORM to identify effective methods for reducing the backlog in formal complaints.*

As discussed above, OEDCA has successfully reduced the backlog of complaints needing adjudication. While the work performed in the two organizations differs, OEDCA should share its successes with ORM and the two organizations should collaborate to identify solutions to ORM's backlog. For example, OEDCA could provide guidance as to how ORM could eliminate the need for re-work of investigative reports, as OEDCA currently reviews these reports.

### 3.5 PERFORMANCE MEASURES/FEEDBACK MECHANISMS FOR CRS PERFORMANCE

Booz·Allen’s assessment of ORM’s organizational performance measures is essential to determine if the program has the ability to measure its progress against programmatic and professional goals established by Congress and the VA. Effective data tracking and feedback mechanisms are needed to evaluate and adjust program policy, processes, and work environment to ensure attainment of program goals. The best feedback mechanisms are clearly defined and regularly utilized to meet program requirements and make necessary changes in a time-effective and non-disruptive manner. Figure 56 shows a model of an effective performance management system.

*Figure 56. The Performance Management Process*



As shown in Figure 56, effective performance management consists of four key steps. First, standards are established and communicated to the staff who must meet them. These standards can be derived from external requirements (e.g., federal regulations) or internal program expectations. Once standards are set, program performance is measured and monitored, through a variety of mechanisms, including reports. The information collected from the measurement of performance is then analyzed, and gaps between the standards and current performance are identified. The final step in the model involves the feedback of performance information back into the program to correct any performance discrepancies. This model can be applied at any level of the organization.

We assessed how effectively ORM monitors the performance of the CRS, relative to the following standards:

- External standards imposed by EEOC regulations
- Programmatic standards imposed by the DAS
- Operational standards (for work performed within each Field Office).

Additionally, we evaluated the performance monitoring that occurs within OEDCA.

The findings presented in this section are a result of information obtained from ORM and OEDCA interviews. VA and ORM documentation was also reviewed for pertinent data concerning existing performance measures and feedback mechanisms. For additional detail regarding the themes that emerged from our ORM and OEDCA interviews, refer to Appendix C (Questions 57–78).

### **3.5.1 Findings**

#### *3.5.1.1 ORM has established extensive data tracking and feedback mechanisms to monitor its performance against EEOC standards.*

EEOC regulations require federal agencies to complete EEO counseling within 30 calendar days of initial contact, and to complete investigations within 180 calendar days of the date a formal complaint is filed. EEOC regulations also describe the processes that must be followed during counseling, acceptability determinations, and investigations. In addition to these requirements, EEOC requires agencies to submit reports detailing the timeliness of complaint processing, complaint status (e.g., pending, closed), and the issues and bases of complaints.

ORM has communicated EEOC standards to its staff. EEOC requirements composed a critical part of the training offered to Intake Specialists, Counselors, and Investigators during the basic training at Hunt Valley, MD. (Booz·Allen’s *Evaluation of the Three-Week Training Program for Intake Specialists, Counselors, and Investigators*, submitted in August 1998, provides detailed information about the content of training offered at Hunt Valley.) In addition to communicating to staff about EEOC standards during initial training, ORM developed staff performance standards that include the EEOC timeliness requirements. For example, Investigators are required to complete their investigations within 45 calendar days to ensure that the complainant receives the report within 180 days of filing the formal complaint (see Section 3.3.1.4).

ORM regularly monitors its performance against EEOC regulations, and collects the requisite data to meet EEOC reporting requirements. Many of the reports generated by ORM have already been described in Sections 3.2 and 3.4 of this report. In addition, ORM staff were asked to describe reports generated in an attempt to document ORM’s performance. Reports identified by staff can be seen in Figure 57. As seen in this figure, key reports include monthly and yearly reports to EEOC.

**Figure 57. What types of reports are prepared within ORM? In what ways is information documented in reports used?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: ORM Headquarters Staff and ORM Office of Field Operations Staff</b>	
<ul style="list-style-type: none"> <li>• Monthly workload analysis reports (5)</li> <li>• Trip-pack reports to the Secretary's office (4)</li> <li>• Root cause analysis reports (3)</li> <li>• Monthly EEOC compliance reports (3)</li> <li>• Quarterly Senior Management Report (3)</li> <li>• Yearly EEOC report (3)</li> <li>• ADR activity report (2)</li> <li>• Annual report to Congress (2)</li> </ul>	

The information collected in the reports described in Figure 57 is analyzed by the DAS and Office of Field Operations staff to determine if ORM is meeting EEOC requirements. The results of these analyses are used by the DAS to determine corrective actions when necessary. For example, as described in Section 3.3.1.4 of this report, ORM investigations are currently not being conducted within the 45 days expected by ORM. In response to this timeliness problem, the DAS has identified ways to streamline the investigative process, by eliminating the requirements of preliminary affidavits and tentative findings of discrimination/no discrimination (see Section 3.3.2.2.).

*3.5.1.2 The DAS collects and evaluates a variety of quantitative and qualitative data to monitor program performance.*

In addition to the regulations established by EEOC, the DAS has established mission-based goals for ORM. These goals, outlined in ORM’s Mission Statement in *A Plan for Transformation*, include: ensuring fairness, integrity, and trust (FIT) (primarily through the use of ADR) during the complaint process; assisting in resolving complaints at the lowest possible level; and supporting VA’s goal of creating and maintaining a high performing workforce. Additionally, the DAS’ ultimate stated goal is to promote a workplace free of discrimination and harassment within VA.

The DAS employs a variety of formal and informal mechanisms to communicate the programmatic standards to staff. For example, the performance standards of Regional Officers require that Field Office policies, guidance, and materials are “consistent with sound principles and practices of equal employment opportunity as well as organizational mission.”<sup>36</sup> In addition to written standards, the DAS discusses programmatic goals and objectives with Regional Officers during quarterly meetings and weekly conference calls.

To monitor performance toward meeting ORM’s programmatic goals, the DAS developed, or is in the process of developing, a variety of tools. For example, the DAS

<sup>36</sup> Performance standard for Supervisory EEO Specialist, GS-260-14.



requires each Field Office to submit *Root Cause Reports* (see Sections 3.4.1.13 and 3.13.1.4) that categorize incoming complaints that appear to be non-discriminatory on the basis of issue and basis, as well as assess the underlying causes of EEO complaints. (The content and format of these reports are currently under revision.) This information can be used by ORM to evaluate its progress toward meeting the goals of resolving complaints at the lowest level as well as promoting a workplace free of discrimination and harassment.

Another performance measurement tool that has been developed (but has yet to be implemented<sup>37</sup>) is a customer satisfaction survey. This tool, once administered, will provide ORM with feedback concerning the extent to which customers perceive the CRS ensures fairness, integrity and trust (FIT). Additional feedback about FIT will be provided to the DAS through the findings in this report; however, this feedback contains the opinions of both users and non-users of the CRS.

Programmatic performance data is analyzed by the DAS through review of reports (e.g., the *Root Cause Report*), as well as through weekly conference calls with Regional Officers (and, on occasion, Intake Specialists). During these calls, programmatic as well as operational concerns are discussed, and solutions are proposed. These conference calls provide the primary mechanism by which programmatic feedback is provided to Regional Officers and corrective actions are recommended.

In addition to weekly conference calls with Regional Offices, the DAS holds quarterly conference calls with all ORM staff. In these conference calls, the DAS updates staff on ORM's performance as well as the performance of specific Field Offices.

*3.5.1.3 Regional Officers use a variety of formal and informal mechanisms to monitor operational performance in the Field Offices.*

Within each Field Office, Regional Officers are responsible for ensuring effective operations and quality work. For the most part, Regional Officers set their own standards of success. During interviews, many ORM Regional Officers reported that the primary measure of Field Office performance is complaint processing timeliness. Findings from these interviews are shown in Figure 58. As shown, Regional Officers also use standards such as report quality and customer service to assess organizational performance.

**Figure 58. What performance measures are used by your Field Office to monitor its performance?**

COMMON THEMES FROM INTERVIEWS	
Interviewees: Regional Officers	
<ul style="list-style-type: none"> <li>• Timeliness is the primary performance measure used at this time (4)</li> <li>• Quality of reports, customer satisfaction, and timeliness (3)</li> <li>• Performance standards in the appraisal system are used (2)</li> </ul>	

<sup>37</sup> ORM is in the process of reviewing logistical and ethical implications (e.g., on confidentiality) of administering a customer satisfaction survey.

The primary method in which Regional Officers communicate performance expectations to staff is through the use of written performance standards. However, as discussed in Sections 3.6.1.1 and 3.6.1.2 of this report, some staff are unaware of their performance standards and the implications of not meeting these standards.

Data that are collected to measure and monitor operational performance at the Field Office level includes the workload statistics described earlier. Additionally, Regional Officers reported that they use spot checking of reports for quality as another means of monitoring staff performance.

Regional Officers use a variety of methods to analyze performance data and implement corrective actions to improve operations. One method is an analysis of workload data to determine what actions need to occur to more effectively manage the workload at each Field Office. For example, cases are sometimes transferred to Field Offices with lower complaint volume, or staff are temporarily detailed to other Field Offices needing extra assistance.

In addition to reviewing workload data, the primary means by which Regional Officers analyze performance issues and identify corrective actions are informal. Figure 59 shows the types of feedback mechanisms described by Regional Officers during our interviews. As shown, Regional Officers reported that Field Office staff meetings are used to identify and implement improvements to their local offices. The frequency and content of these meetings varies between Field Offices. Useful suggestions to improve the program or “lessons learned” from Field Office staff meetings are communicated to other Field Offices and Headquarters through quarterly meetings with the DAS and the weekly conference calls. A significant number of Regional Officers stated that ORM does not have a formal feedback mechanism; improvements are done as needed on a site-specific basis.

**Figure 59. To what extent does ORM use feedback to improve the CRS?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Regional Officers</b>	
	<ul style="list-style-type: none"> <li>• Staff meetings are used to develop ideas for improving the CRS; these ideas are communicated during Regional Officer meetings and Headquarters conference calls (7)</li> <li>• ORM does not have a formal feedback mechanism; improvements are done as needed at each Field Office (4)</li> </ul>

*3.5.1.4 The EEOC affirmance rate, timeliness, and backlog reduction are OEDCA’s primary measures for evaluating organizational performance; OEDCA is also accountable through monthly reports to the Secretary.*

OEDCA’s mission statement asserts that it is committed to maintaining a high quality and high performing workforce and to ensuring fairness, integrity, and trust throughout the complaint adjudication phase of the EEO complaint resolution process. This is accomplished through the issuance of high quality decisions based on the merits of employment

discrimination complaints.<sup>38</sup> Interviews with OEDCA staff revealed that the EEOC affirmance rate (of OEDCA decisions) and timeliness are used to evaluate organizational and CRS success. This assertion is verified through the OEDCA Director's report to Congress<sup>39</sup>, which measures organizational progress through reduction of the case backlog and length of time awaiting adjudication.

In addition to the external report to Congress, in interviews OEDCA staff reported that they prepare a monthly report for the Secretary that primarily addresses the status of the case backlog. The Secretary is also notified of reprisal cases.

### 3.5.2 Conclusions

3.5.2.1 *ORM has a vision for monitoring its programmatic performance against standards beyond those required by external regulations, and is in the process of establishing performance measurement and feedback mechanisms.*

To assess its performance, ORM is in the process of developing a performance management system that includes the three different types of performance measures that managers use:

- *Outcome measures that focus on mission accomplishment.* To this end, ORM is developing measurement tools to determine whether employees perceive the fairness, integrity, and trust of the CRS; whether the CRS is helping VA maintain a high performing workforce; and whether the CRS is helping to resolve EEO complaints at the lowest possible levels. To measure outcomes, *Root Cause Reports* are currently under development. Plans for measuring customer satisfaction have not yet been implemented.
- *Output measures that provide an indication of progress.* For the CRS, output measures are aligned with EEOC requirements. Measurement data are collected about complaints processed, specifically their timeliness and accuracy.
- *Activity measures indicate whether work processes are effective and efficient.* Regional Officers are monitoring workload data to determine what process changes may be needed. Reports on these measures are also submitted to the EEOC.

It is easier to develop data capture systems for measuring output and activity measures because the data are generated within the organization, and ORM has most of these in place. Outcome measures require different data collection mechanisms; while ORM has identified the need to measure its performance against its mission, the data collection mechanisms have not yet been implemented in full.

EEOC regulations only require output and activity measures be collected by ORM. Clearly, ORM has set standards beyond those external requirements, and is seeking to

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<sup>38</sup> Office of Employment Discrimination Complaint Adjudication Policies and Procedures.

<sup>39</sup> Director's Report: Office of Employment Discrimination Complaint Adjudication, January 1, 1999.

achieve the higher order outcomes of fairness, integrity, and trust, as well as support for VA's high performing workforce, early resolution of complaints, and creation of a work environment free of discrimination and harassment.

*3.5.2.2 The primary reliance on informal, rather than standardized, feedback mechanisms may prevent ORM Field Offices from accurately monitoring operational progress.*

With the exception of reviews of workload data, the methods currently used by ORM Field Offices to gauge office performance are not standardized, and likely differ from site to site. Additionally, many staff are unsure of the performance expectations on them and of the implications of not meeting their performance standards. The absence of standard mechanisms places the Regional Officers and Intake Specialists in positions where they must develop their own methods to assess work quality and progress against ORM's programmatic goals. The resulting methods of measurement used by Field Offices may address site-specific interests; however, ORM's overall performance interests may not be adequately addressed.

### **3.5.3 Recommendations**

*3.5.3.1 ORM should crystallize its measurement and feedback system for organizational performance and improvement.*

While ORM has developed, or is currently developing, multiple methods for monitoring its performance, some of these have yet to be instituted. As such, Booz·Allen recommends that ORM solidify its mechanisms for measuring its performance. For example, ORM should finalize the required content and format of the *Root Cause Report* to make it an even more effective feedback tool. Additionally, a formalized mechanism for using performance data to improve programmatic performance should be established. For example, an approach for using the Root Cause data to improve ORM's performance should be developed and implemented.

*3.5.3.2 Techniques used by Regional Officers to assess Field Office performance should be reviewed in the interest of standardizing the more innovative ideas for use across ORM.*

Some Regional Officers may have developed very useful methods for assessing Field Office performance. Although there are Regional Officer meetings and Headquarters conference calls where Field Office performance is discussed, it is unclear if the methods being used to derive this information are shared among participants. It is suggested that meetings be held to discuss currently used methods of performance assessment. Once a comprehensive list is developed, an efficiency rating (time invested/results obtained) should be derived for each method, and the most promising techniques formalized for broad use across ORM.



### 3.6 ORM STAFF PERFORMANCE STANDARDS

Standardized and clearly understood performance standards give staff the ability to work toward personal job performance and career goals within ORM. Ideally, individual job performance standards tie effectively to overall organizational performance goals; therefore, when employees successfully perform their jobs, the organization meets its performance goals. This section discusses approaches ORM uses to measure its staff performance.

The VA Transformation Team developed the first performance standards for ORM employees during September 1997. In the Fall of 1998, work groups comprised of staff representatives from various ORM Field Offices worked on revising these standards to align them more closely with realized job activities. The resulting revisions were sent to ORM Headquarters and Central Office for review and approval. The finalized performance standards for all positions contain common primary elements such as due professional care, communication, and customer service; individual standards discuss job-specific elements when appropriate.

VA policy requires use of a pass/fail (successful/unacceptable) appraisal system and use of an incentive reward system to reward high performers for special contributions. Some of the revisions originally obtained from the Field Office work groups contained a large number of job elements that were not practical for a pass/fail system; these elements had to be edited by ORM Headquarters before approval. In December 1998 and January 1999, the finalized approved job performance standards were transmitted to Regional Officers for distribution to Field Office staff.

To assess ORM's staff performance standards, we interviewed ORM staff and reviewed documentation associated with the development and finalization of performance standards to date. For further detail regarding the themes that emerged from our interviews with ORM staff, refer to Appendix C (Questions 79–87).

#### 3.6.1 Findings

*3.6.1.1 The vast majority of ORM staff interviewed stated that there are required performance standards they must meet. Many ORM staff reported that there is a growing emphasis on timeliness within ORM.*

Intake Specialists, Counselors, and Investigators indicated that there are required performance standards, with Counselors and Investigators listing various metrics such as timeliness, professionalism, customer service, communication, and report writing. However, a significant number of Intake Specialists reported that they do not know what their standards consist of, while an equal number of responses indicated dissatisfaction with the standards. Responses from these interviews are shown in Figure 60.

**Figure 60. Are there any required performance standards that an (Intake Specialist, Counselor, or Investigator) must meet? If so, what are they?**

COMMON THEMES FROM INTERVIEWS
Interviewees: Intake Specialists, Counselors, and Investigators
<ul style="list-style-type: none"> <li>• Yes, there are required performance standards (64)</li> <li>• Performance standards include:                             <ul style="list-style-type: none"> <li>– Communication (24)</li> <li>– Timeliness (24)                                     <ul style="list-style-type: none"> <li>-- Strong emphasis on time limits (11)</li> </ul> </li> <li>– Customer service (14)</li> <li>– Professionalism (10)</li> </ul> </li> <li>• Don't know what performance standards consist of (8 – mentioned only by Intake Specialists)</li> <li>• Dissatisfied with performance standards (8 – mentioned only by Intake Specialists)</li> </ul>

Roughly half of the Intake Specialists, Counselors, and Investigators interviewed during our January–February 1999 interviews stated that ORM is putting a stronger emphasis on timeliness. Timeliness was not mentioned as a performance standard by employees during our September–November 1998 interviews; however, during the January–February 1999 interviews this standard was reported by Counselors and Investigators with about the same frequency as customer service and professionalism. Intake Specialists mentioned timeliness considerably more often than communication, professionalism, confidentiality, and responsiveness. Although all groups indicated to some extent that time limits are unrealistic, some Intake Specialists specifically stated that time limits cannot be met.

Regional Officers interviewed reported that staff are required to meet official job performance standards. The primary standards mentioned were customer service, due professional care, and analysis/fact-finding. Regional Officers mentioned timeliness as a performance standard only once, in contrast to the higher frequency of responses exhibited by ORM Field Office staff. While meeting EEOC timeframes is included in ORM's staff performance standards, timeliness itself is not highlighted as a critical performance element.

*3.6.1.2 A large portion of ORM staff interviewed do not know what actions would be taken if they do not meet their job performance standards.*

The VA Handbook 5430.1 (February 28, 1997) indicates that if an employee receives an “unacceptable” rating, he/she must be notified in writing and be given a reasonable opportunity to improve their performance to the “successful” level. The improvement period is a minimum of 90 days and is documented using a Performance Improvement Plan (PIP). If the employee does not agree with the rating given, he/she can activate the grievance process within 15 days of the rating. VA policy is to resolve grievance issues at the lowest possible level.

In our interviews, nearly half of the Intake Specialists and Investigators and many of the Counselors interviewed reported that they do not know what actions would be taken if

they do not meet required performance standards. The remaining respondents indicated that counseling and a Performance Improvement Plan (PIP) may be developed, or a person may be demoted or terminated. For Counselors, the “don’t know” response occurred twice as often during our January–February 1999 interviews as during our September–November 1998 interviews.

**Figure 61. What actions are taken if (Intake Specialists, Counselors, or Investigators) do not meet the required performance standards?**

COMMON THEMES FROM INTERVIEWS	
Interviewees: Intake Specialists, Counselors, and Investigators	
<ul style="list-style-type: none"> <li>• Counseling and development of a PIP (22)</li> <li>• Don't know (20)</li> <li>• Counseling/discussion (12)</li> <li>• Could be demoted or terminated (5)</li> </ul>	

While many staff are not aware of the implications of not meeting performance standards, ORM has taken steps to address performance deficiencies. For example, several staff who were not performing have been terminated since ORM’s inception.

### 3.6.2 Conclusions

*3.6.2.1 The growing emphasis on timeliness as a performance standard within ORM is comparable with any organization as it matures. However, use of timeliness as a standard requires caution due to the impact of complaint backlog.*

When a program first becomes operational, it is critical for managers to ensure that staff know how to properly perform their jobs. As such, product quality is often emphasized over timeliness. Once staff members have worked in positions for a period of time, they are then expected to accomplish their work in a more timely fashion. This progression is evident in the responses of ORM staff, who more recently have noted timeliness as a critical performance standard.

ORM must use caution in applying timeliness standards, in light of the extensive case backlog. Incoming cases may not be processed in a timely manner (particularly in the investigative stage) because staff are working on cases from the old system. As such, the presence of the backlog makes it difficult to ascertain if ORM staff are meeting required timeframes.

*3.6.2.2 The lack of understanding of implications of not meeting performance standards prevents effective performance management of ORM staff.*

ORM staff cannot perform to their fullest and proceed along a successful career path without familiarity with their job expectations. Further, ORM cannot use job performance standards to accurately manage staff performance if staff are not aware of, or do not



understand, what will happen if the standards are not met. One possible reason why ORM staff appear confused about this issue may be the newness of ORM and its broadly promoted separation from VA as mandated by Congress. It may be unclear to ORM employees if VA policy concerning job performance standards is applicable to ORM.

### **3.6.3 Recommendations**

#### *3.6.3.1 ORM should emphasize the importance of quality to employees, as well as timeliness.*

ORM Headquarters and the Office of Field Operations should communicate a need for quality service along with optimal time management when addressing Field Offices. This “top-down” message will serve to reassure Field Office management and staff that ORM senior management are aware of these complementary expectations and are committed to attaining quality service.

ORM currently provides rewards to staff who perform quality work. For example, in April 1999, the DAS of ORM provided a cash award to all staff in the Leavenworth Field Office for outstanding sustained performance. In view of the intense workload experienced by some Field Offices, ORM should continue its efforts to reward employees who provide high quality products and innovative solutions to daily job challenges. Appointment of high performers to leadership or mentoring positions is another way to reinforce quality within ORM. Further, ORM should continue to analyze complaint volume trends at Field Offices and make appropriate staffing adjustments to ensure timely resolution of complaints.

#### *3.6.3.2 Within each Field Office, the Regional Officer should meet with staff to discuss performance standards and the implications of not meeting them.*

Regional Officers should take the initiative to inform ORM employees of their job expectations on an ongoing basis. This exchange should be documented regularly during performance periods to check employee progress and assess their knowledge of current demands. The interaction between employee and reviewer is required under VA Handbook 5430.1. ORM employees need to understand that they are under the purview of VA human resource regulations.

In support of this recommendation, ORM is planning to develop a performance management policy that will outline the implications of staff not meeting their performance standards. Once developed, this policy will be disseminated to all staff.

### 3.7 PERFORMANCE FEEDBACK MECHANISMS AT VA FACILITIES

The presence of adequate CRS performance feedback to VA facilities is important to achieve a cooperative and mutually beneficial arrangement between these two distinct entities. VA employees and potential employees can benefit when facility EEO offices, and related programs such as Affirmative Action and Diversity, utilize current CRS trends to adjust and improve their program goals and objectives.

To assess ORM and OEDCA performance feedback mechanisms at VA facilities, we interviewed ORM, OEDCA, and VA facility staff and also conducted focus groups with VA facility employees. A review of pertinent documentation also helped to investigate and assess this topic. The common themes that emerged in these interviews and focus groups are presented in more detail in Appendix B (Question 9) and Appendix C (Questions 88–97).

#### 3.7.1 Findings

##### 3.7.1.1 *ORM staff described varying types and amount of complaint information sent to facilities.*

When asked about the extent of complaint feedback sent to VA facilities, the majority of the Regional Officers, ORM Intake Specialists and Counselors interviewed stated that general complaint status information is provided to facilities through the EEO Program Manager or Facility Director. A small number of ORM staff, however, indicated that ORM is not providing complaint feedback to facilities, and that facilities need more complaint information from ORM. Findings from these interviews are shown in Figure 62.

**Figure 62. To what extent does the Office of Resolution Management feed back to VA facilities general information about complaint resolutions and any disciplinary actions taken?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: Regional Officers, Intake Specialists, and Counselors</b>
<ul style="list-style-type: none"> <li>• No complaint settlement or disciplinary information; general complaint status information is given to the EEO Program Manager and/or Facility Director (64)</li> <li>• ORM is not involved in disciplinary actions or complaint settlement (17)</li> <li>• VA facilities need more complaint information from ORM; this is being worked out now (8)</li> <li>• ORM is not providing complaint feedback to VA facilities (6)</li> </ul>

According to interviewees, ORM does not provide complaint settlement or disciplinary action information to the facility population, primarily because ORM is not involved in settlement agreements or the administration of discipline.

Interviewees’ responses also indicated that communication is moving from direct contact to written reports. Fewer Regional Officers and ORM Counselors mentioned direct contact between ORM staff and EEO Program Managers or Facility Directors in our

January–February 1999 interviews compared to our September–November 1998 interviews; instead, Regional Officers referred to status reports. More Intake Specialists also mentioned provision of status reports to VA facilities in January–February 1999 than in our September–November 1998 interviews.

While our interviews with ORM staff indicated that there is a trend toward providing written instead of verbal feedback to facilities, interviews with Facility Directors indicated that the format and content of feedback from ORM varies extensively. In some cases, information is passed on verbally to the Facility Directors; in others, information is sent in writing.

The variance in feedback more likely occurs during the informal phase of complaint activity, rather than the formal phase. ORM’s SOPs explicitly describe the written feedback that is to be sent to facilities during the formal phase of complaint (e.g., notice that a complaint has been filed). However, inconsistencies regarding the provision of feedback about informal complaint activity currently exist in the SOPs at the Field Office level. Some Field Office SOPs indicate that a letter should be sent to Facility Directors when an individual waives the right to anonymity during the informal stage; this correspondence is not included in the SOPs of other Field Offices. It is our understanding that ORM is drafting an office-wide policy regarding informal complaint notification, which should help to improve consistency of feedback.

*3.7.1.2 According to On-site EEO Program Managers, VA facilities are not receiving adequate CRS information to meet EEO Program Office objectives.*

On-site EEO Program Managers interviewed reported that ORM is sending little or no information to facility EEO Offices or Facility Directors regarding formal complaints. Some information is sent regarding case status; however, VA facilities want additional information to effectively plan training, meet EEO performance goals, and write resolution agreements. Figure 63 shows findings from these interviews.

**Figure 63. To what extent does the Office of Resolution Management or their Field Office feed back information to your EEO office or to your Facility Director?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees:</b>	<b>On-site EEO Program Managers</b>
	<ul style="list-style-type: none"> <li>• Minimal or no information is fed back from ORM (16)</li> <li>• ORM sends some information to the EEO Office or Director regarding case status (7)</li> <li>• Would like ORM to provided more detailed complaint information (5)</li> </ul>

*3.7.1.3 OEDCA feeds back CRS information through the Final Agency Decision.*

Interviewed OEDCA staff reported that they feed back CRS information through the distribution of the Final Agency Decision (FAD) to all parties, including VA facilities. Some OEDCA respondents stated that OEDCA can informally make recommendations regarding disciplinary actions and preventative measures at VA facilities.

*3.7.1.4 VA employees reported that VA facilities are not providing complaint resolution information to the general employee population.*

OEDCA provides redacted complaint case summaries to VA facilities in the *OEDCA Digest*. OEDCA sends this information to EEO liaison officers in the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA). It is intended that these officers forward the *Digest* to their EEO Program Managers who in turn disseminate it at their respective facilities. The *OEDCA Digest* is also posted on the VHA intranet and ORM internet. Additionally, ORM has developed the *Root Cause Report* intended to communicate and clarify the underlying causes of EEO complaints in an effort to educate VA employees. As of the time of this writing, the *Root Cause Report* has yet to be finalized and disseminated.

Despite efforts by ORM and OEDCA, both supervisory and non-supervisory employees participating in our focus groups reported that information concerning complaint resolution is not distributed to the general employee population. Respondents indicated that this information is available through the facility “grapevine”, newspapers, or personal involvement. The majority of focus group participants also agreed that distribution of this information would likely reduce the number of future EEO violations and educate employees about the process. These responses were stated more often in our January–February 1999 focus groups than in our September–November 1998 focus groups. Focus group participants’ lack of awareness about the *OEDCA Digest* also may simply reflect the newness of this publication.

### **3.7.2 Conclusions**

*3.7.2.1 ORM has not yet developed sufficient feedback mechanisms for providing complaint information to facilities, resulting in ineffective communication instead of positively influencing the work environment.*

The absence of consistent feedback mechanisms contributes to the communication impasse experienced between VA facilities and ORM. Differences in SOPs across Field Offices result in inconsistent procedures and ineffective communication with facility management. A goal of the CRS is to foster a work environment that is free from discrimination and harassment. This cannot occur if CRS information is not communicated.

Although existing information sources such as the *OEDCA Digest* are being given to distribution “hubs” within VA, it is unclear if the information is reaching all intended facility employees. Given that the majority of VA employees in focus groups believe that distribution of EEO complaint resolution information would reduce offenses and educate employees, successful dissemination of this information is critical. To address this, the Director of OEDCA checked into the distribution of the *OEDCA Digest*. Based on his conversations with the EEO liaisons from VA’s administrations, new efforts will be undertaken to ensure wide dissemination. These include posting the *OEDCA Digest* on VA’s intranet, advertising in newsletters, providing hard copies in libraries, and providing hard copies to all Cemetery employees (who have less access to these distribution vehicles).

3.7.2.2 *There is currently no agreement between ORM and facility management regarding the type and amount of CRS information to be shared.*

As discussed, ORM Field Offices are inconsistent in the CRS information they are providing to facility managers, resulting in differing levels of understanding and cooperation across the VA complex. The discrepant expectations of ORM and facilities indicate that there is a lack of agreement regarding the appropriate amount of complaint information that should be shared. The type and amount of information to be shared is a delicate balance, however, between maintaining complainant confidentiality and providing the necessary information to facilities to meet EEO objectives. If employees sense that ORM is providing too much information to Facility Directors, they may associate ORM with Facility management and elect not to use the CRS.

### **3.7.3 Recommendations**

3.7.3.1 *ORM should develop a standardized procedure for delivering complaint feedback to facility management.*

Feedback sent to facility management should be consistent across the Field Offices. Regardless of the extent and format of feedback that is selected, each ORM Field Office should provide the same level of feedback to all facilities within its Region. Additionally, ORM should notify facility management of the standard guidelines for providing complaint feedback. This will help clarify the expectations of facility management in terms of information received about complaint activity. Increased clarity should have the added benefit of reducing any existing conflicts between facility management and ORM. When standardizing these procedures, the type and amount of information that ORM gives to VA facilities should be carefully evaluated to ensure that the core objective of confidentiality is maintained. Providing too much information, particularly at the informal stage, could give the perception that the facilities have inappropriate influence over the CRS.

3.7.3.2 *ORM and OEDCA should determine an approach for ensuring the OEDCA Digest (and, in the future, the Root Cause Report) is reaching the intended audience.*

As mentioned, the Director of OEDCA is in the process of checking the distribution of the *OEDCA Digest*. ORM and OEDCA should collaboratively determine the most effective methods for ensuring effective dissemination of complaint resolution information. Techniques that could be used to ensure complete dissemination include:

- Checking distribution lists
- Identifying contacts at each facility to be responsible for distribution
- Posting summaries on ORM's home page
- Printing regular articles in general newsletters.

### 3.8 MECHANISMS TO ENSURE PROPER USE OF THE CRS – TECHNIQUES TO AVOID MISUSE

Misuse of the CRS occurs when a person lodges a complaint that does not meet the regulatory requirements for discrimination or harassment. The problem of CRS misuse is a serious issue from the perspective of complaint processing and demands on ORM and OEDCA resources. Although the term “frivolous” is used in this section to describe complaints resulting from misuse of the CRS, it is important to note that ORM and OEDCA policy requires that all complaints be treated equally as important issues that need to be resolved. This policy mirrors EEOC regulations that require all complaints to be processed.

To assess misuse of the CRS we interviewed ORM and OEDCA staff and conducted focus groups with VA facility employees. A review of pertinent documentation also helped us investigate and assess this topic. The common themes that emerged in these interviews and focus groups are presented in more detail in Appendix B (Question 10) and Appendix C (Questions 98–102).

#### 3.8.1 Findings

*3.8.1.1 The majority of VA employees in our focus groups stated that the CRS is misused; interviewed ORM staff did not identify any mechanisms to prevent misuse.*

Many supervisory and non-supervisory employees in our focus groups stated that misuse occurs, and theorized that it is typically done for retribution or financial gain. Results from these focus groups are shown in Figure 64. There were significantly more responses indicating misuse of the CRS during our January–February 1999 focus groups than in our September–November 1998 focus groups. Some supervisory employees suggested that better education of employees and methods to identify frivolous complaints would help reduce misuse. This finding reiterates VA employee perceptions reported in Booz·Allen’s CRS Baseline Report (June 1998).

**Figure 64. Is the new CRS used for issues, that in your opinion, are not cases of discrimination or harassment?\***

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• Yes (5)</li> <li>• Some individuals escalate everything into a complaint; like to stir things up; chronic complainers (5)</li> <li>• People are using the CRS to get money (2)</li> <li>• People use the system for retribution (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Yes (13)</li> <li>• Employees misuse the CRS because they have a problem with someone; they commit retribution or reverse harassment (5)</li> <li>• Employees hope to be compensated (4)</li> <li>• Some employees use the system to evade performance deficiencies (3)</li> <li>• There should be a method to identify frivolous complaints early in the EEO process (3)</li> <li>• Employees need better education of what an EEO issue is (3)</li> </ul>

\*This question was not asked of all non-supervisory employee groups.

Interviewed ORM Headquarters and Office of Field Operations staff did not report any common mechanisms to ensure proper use of the CRS. Some respondents indicated that the *Root Cause Report* will help ORM understand the issues behind misuse and ADR will help to resolve complaints informally, subsequently reducing inappropriate use.

Some ORM Regional Officers, Intake Specialists, Counselors, and Investigators who were interviewed reported that the Intake Specialist is regarded as a possible means to screen out complaints through acceptability determinations and procedural reviews. Additionally, in our September–November 1998 interviews, some staff said that they attempt to discourage or screen out complaints that do not meet EEO criteria; this response was not repeated during our January–February 1999 interviews. Some ORM staff suggested that ORM needs to develop criteria, or EEOC criteria needs to be improved to effectively screen out clear misuse of the CRS. Some Regional Officers suggested that employees should be educated about options other than the EEO process; this opinion was mentioned less frequently during our January–February 1999 interviews. Interviewed OEDCA staff also responded that they have no authority to dismiss a frivolous complaint. Cases can only be dismissed for procedural reasons.

*3.8.1.2 ORM staff process all cases the same, regardless of their beliefs concerning the validity of a complaint.*

ORM Headquarters and the Office of Field Operations staff interviewed stated that there is no such thing as a frivolous complaint. All complaints are treated as important issues to be resolved. One respondent pointed out that ORM adheres to EEOC policy regarding misuse of the CRS.

The majority of ORM Intake Specialists, Counselors, and Investigators interviewed reported that they treat all cases the same, regardless of their personal beliefs. Fewer ORM

staff reported that they would try to facilitate resolution or educate the employee about what constitutes an EEO complaint in our January–February 1999 interviews compared with our September–November 1998 interviews.

### **3.8.2 Conclusions**

*3.8.2.1 Despite the finding that misuse of the CRS is widely recognized by VA facility employees, existing regulations prohibit ORM from actively pursuing mechanisms to prevent its misuse.*

ORM and OEDCA are limited as to what they can implement to reduce misuse of the CRS. The possibility of unintentionally discouraging or screening a valid complaint from the CRS outweighs the possible benefits of establishing measures to screen invalid complaints. Process improvement must work within the boundaries of the existing system, placing the decision of appropriateness in the hands of the complainant. All employees must have equal and unimpeded access to the CRS in order for the system to meet the intent of EEOC regulations and subsequently address discrimination and harassment in the workplace.

### **3.8.3 Recommendations**

*3.8.3.1 ORM should continue to explore other options for informal resolution of complaints (such as ADR). Additionally, attempts should be made to educate employees about what is and is not a valid complaint.*

Use of ADR needs to be continually promoted throughout VA to fully exploit the positive effects of mediation in the complaint process. The “first line” of contact with complainants needs to be fully trained to facilitate resolution whenever possible, and educate the complainant on the purpose and limitations of the CRS within the realms of applicable law. The successful distribution of information such as the *OEDCA Digest* and *Root Cause Report* will also serve to educate VA employees about what constitutes a valid complaint and what they can realistically expect from the CRS.





### 3.9 OUTREACH AND COLLABORATION WITH RELATED PROGRAMS

The success of an EEO complaint resolution system is dependent upon communication and cooperation with related programs. Communication and information sharing among EEO and related programs can significantly impact the processing of complaints. ORM needs information from the various programs, particularly on-site EEO and Human Resources programs, to conduct a thorough investigation of cases. Without cooperation from related programs, the length of case review can be significantly extended.

Further, communication and collaboration with related EEO programs would allow ORM to effect changes in the systemic processes of VA, helping them progress toward the ultimate goal of eliminating discrimination and harassment. Booz-Allen evaluated ORM's outreach and collaboration with related programs through interviews, focus groups, VA document reviews, and best practice findings. Additional detail from our focus groups and interviews is found in Appendix B (Questions 11–12) and Appendix C (Questions 103–120).

#### 3.9.1 Findings

*3.9.1.1 ORM staff interviewed perceive the relationship between ORM offices and on-site facility staff to be improving; the on-site facility staff interviewed, however, reported that there is little to no interaction except ORM's requests for information regarding pending EEO cases.*

The majority of ORM staff interviewed reported that the relationship between their ORM office and the VA facilities in their Region is very good. Many admitted that while there are still difficulties with some facilities, most of the problems they had initially are improving or have since been corrected. A number of ORM staff during the September–November 1998 site visits, particularly Counselors and Regional Officers, reported difficulties in communication and coordination with facilities. However, all interviewees reported an improving relationship between ORM offices and Regional facilities during our January–February 1999 site visits.

When VA Human Resources staff were asked what coordination occurs between ORM management and Human Resources management, interviewees reported that there is very little to no interaction between the two offices. Most respondents indicated that contact is limited primarily to information inquiries and request for assistance with site visits from ORM. Additionally, some Human Resources staff at facilities reported that ORM staff make unreasonable demands on them (e.g., tracking down employee information).

On-site EEO Program Managers were closely split in their perceptions of the relationship with ORM. As seen in Figure 65, half of the On-site EEO Program Managers interviewed reported a good relationship with ORM, mentioning exemplary communication and good coordination allowing them to focus on other aspects of their jobs. However, the same number of EEO Program Managers reported a poor relationship with ORM. Their reasoning included constant calls from ORM staff for information, no communication outside

of information requests, poor supervision/training of ORM staff, and lack of follow up with facility management. While On-site EEO Program Managers interviewed during January–February 1999 still had mixed opinions about the facilities’ relationship with ORM, a larger proportion of them had positive perceptions than did their counterparts during the September–November 1998 site visits.

**Figure 65. How would you characterize the communication and coordination between your Office of Resolution Management Field Office and your own office? What challenges have these groups faced in working together? What has worked successfully?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: On-site EEO Program Managers</b>
<ul style="list-style-type: none"> <li>• Effective communication – exemplary, good relationship, allows EEO Program Manager to focus on other aspects of job, close coordination (8)</li> <li>• Little or poor communication – lack of training of ORM staff, lack of follow-up, ORM staff “boss” facility staff, ORM staff are accusatory (8)</li> </ul>

*3.9.1.2 Staff in Affirmative Action (AA) and Diversity Programs perceive that ORM does not routinely coordinate with these EEO-related programs.*

Based on our interview findings, ORM has limited communication with related VA programs. The majority of related programs staff that we interviewed (On-site EEO Program Managers and AA and Diversity Program staff) reported that ORM has not been involved with AA and Diversity Programs at all.<sup>40</sup> Many reported that any information from ORM is filtered through the On-site EEO Program Manager. Figure 66 displays common themes from our interviews with staff from related programs.

**Figure 66. What coordination occurs between the Office of Resolution Management and the Affirmative Action and Diversity Programs? What challenges have these groups faced in working together? What has worked successfully?**

COMMON THEMES FROM INTERVIEWS
<b>Interviewees: AA &amp; Diversity Program Staff and On-site EEO Program Managers</b>
<ul style="list-style-type: none"> <li>• ORM does not coordinate with AA and Diversity Programs/there has not been any coordination (21)</li> <li>• Program is too new, there has not been any information sharing yet (4)</li> <li>• Information volunteered at the outset but not since (3)</li> <li>• On-site EEO Program Manager and special emphasis program leader coordinate the on-site programs, ORM may communicate with On-Site EEO Program Manager (3)</li> </ul>

<sup>40</sup> ORM staff are prohibited from having input into facility Affirmative Action (AA) plans, since VA employees can file EEO complaints against the plans.

3.9.1.3 *Most employees do not identify differences among VA’s various EEO-related programs.*

Most VA facilities have AA and Diversity Programs in addition to the CRS that are designed to enhance the work environment. These programs experience varying degrees of activity and visibility, based on the priorities and resources at individual facilities. Both the results of the focus groups and interviews indicated that there is little in-depth understanding of the distinctions among these programs. When employees participating in the focus group sessions were pressed, they offered some theoretically-based distinctions but had no real understanding of how the programs differ. Similarly, the majority of Office of Equal Opportunity (OEO) Program staff, AA and Diversity Program staff, On-site EEO Program Managers, interviewed indicated that employees do not understand or make distinctions among the CRS and the other programs.

3.9.1.4 *Many ORM staff interviewed perceive ORM’s relationship with the Unions to be effective; however, Union representatives reported that there is little to no coordination between the two groups.*

Union representatives interviewed reported that there is little to no coordination between the Unions and ORM. Some reported encounters during training sessions or calls from ORM when they need information or assistance on a pending EEO case. Common responses from Union representatives are shown in Figure 67.

**Figure 67. What coordination occurs between the Unions and the Office of Resolution Management (ORM)? What challenges have these groups faced in working together? What has worked successfully?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Union Representatives</b>	
	<ul style="list-style-type: none"> <li>• Not much if any coordination at all (7)</li> <li>• None (5)</li> </ul>

ORM staff’s perceptions of their relationship with the Unions were significantly different. While many ORM staff interviewees reported there is limited interaction between the ORM and the Unions, the majority of them reported that there is a good working relationship between the two groups. The results from these interviews are shown in Figure 68.

**Figure 68. How would you characterize the relationship between ORM and the Unions? What challenges have these groups faced in working together? What has worked successfully?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Regional Officers, Intake Specialists, Counselors, Investigators, and ORM Headquarters Staff</b>	
<ul style="list-style-type: none"> <li>• There is a good relationship between the two programs (11)</li> <li>• Limited but cooperative (9)</li> <li>• Depends on the facility (6)</li> <li>• I don't know (6)</li> </ul>	

As Figure 68 shows, ORM staff interviewed perceive their relationship with the Unions is positive. The perceptions have changed during the course of our assessment. The vast majority of ORM staff interviewed in September–November 1998 reported that there was no relationship at all between the groups and that the relationship depended on the facility. However, during the January–February 1999 site visits, interviewees reported a good relationship with the Unions, although limited in nature. Unions on the other hand, did not report any change in the relationship with ORM between the September–November 1998 and January–February 1999 site visits.

*3.9.1.5 Non-supervisory focus group participants had mixed preferences regarding the use of the Union or the CRS to process an EEO complaint; the vast majority of supervisory employees in focus groups indicated that employees would prefer to use the Union.*

In order to determine if VA employees prefer the Unions or the CRS, we asked focus group participants which option is more appealing to employees. As seen in Figure 69, a slight majority of the non-supervisory focus group participants indicated that the CRS was the preferred option. However, a substantial majority of supervisory employees felt that the Unions were more appealing to all employees; one reason given for this perception was that the Unions were more readily accessible than were the off-site ORM Counselors.

**Figure 69. In what instances should an employee use the CRS instead of filing a Union grievance? Which option is more appealing to you?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• CRS is more appealing – Union doesn't know what it is doing; Unions don't support employees; CRS is an outside system; Union is too connected to management (10)</li> <li>• Union is more appealing – more visible; more personal contact; less serious and involved than CRS (9)</li> </ul>	<ul style="list-style-type: none"> <li>• Unions are more appealing to employees than CRS if they have a complaint of any kind – CRS is an impersonal process; immediate assistance through Union; Union is more accessible (20)</li> <li>• Use the CRS for complaints that fall within the seven protected categories (6)</li> </ul>

Regardless of the option employees ultimately choose for complaint processing, many employees speak to their Union representatives first. In many cases, the Union representative will refer the employee to the CRS if the complaint is related to EEO concerns.

### **3.9.2 Conclusions**

#### *3.9.2.1 The relationship between ORM and VA facility staff is strained, which can negatively affect the efficiency of complaint processing and prevent improvement to the work environment.*

While the relationship between ORM and facility staff appears to have improved somewhat during the course of the previous year, it is still strained. ORM has held semiannual national conference calls with all On-site EEO Program Managers, and quarterly conference calls with each Region. However, these regular communications have not yet had the desired impact of consistently improving the relationship between ORM and facilities. Many facility staff (On-site EEO Program Managers, Human Resources staff) perceive that they are alienated from the CRS, and that ORM staff make unrealistic demands on them. Negative reactions from facility staff may lead to a lack of cooperation with ORM. Since ORM is highly dependent on facility staff for obtaining data and logistical support, lack of cooperation from on-site staff will directly reduce ORM's effectiveness at obtaining information and facilitating complaint resolution.

A poor relationship with facility staff and management will also reduce ORM's ability to improve the EEO climate at VA and work toward the prevention of discrimination and harassment. Since ORM lacks control over the environment at VA facilities, the only way in which it can impact the occurrence of discrimination is through its relationship with facility staff and management. If no relationship exists, ORM cannot actively reduce the number of EEO complaints occurring because it cannot impact the extent of discrimination or other underlying causes (e.g., poor management) of EEO complaints.

Booz·Allen interviewed organizations recognized for best practices in complaint resolution and found that they have strong relationships with senior management and staff, sharing information on trends and issues as well as their experience and knowledge on EEO as appropriate. These relationships strengthen the effectiveness of the EEO complaint process. ORM falls short in this area, largely due to the discrepant goals of ensuring independence and enhancing complaint resolution at the lowest level.

#### *3.9.2.2 Coordination and communication between ORM, EEO-related programs, and the Unions is limited, resulting in a lost opportunity to jointly foster a workplace free of discrimination and harassment.*

As discussed above, the majority of AA and Diversity Program staff and Union Representatives report that they do not coordinate or communicate with ORM. From our interview findings, it appears that ORM staff are satisfied with ORM's relationship with the Unions. However, Union Representatives lack an understanding of how they fit into the new CRS. For example, many Union Representatives reported that the local Unions were not

involved in the development of the new CRS, that there is little to no communication and collaboration between the two programs, and that there is no official role for the Union in the process.

The lack of coordination with related programs, particularly the Unions, can inhibit effective complaint processing. Since employees frequently go to Union representatives for advice prior to contacting ORM, Union representatives could dissuade employees or present ORM in a negative light. Additionally, a recent Federal Service Labor-Management Relations Statute has authorized the Unions to become more involved in EEO settlements and ADR.<sup>41</sup>

An additional impact of poor coordination between the CRS and EEO-related programs may be the poor understanding employees have about the distinction between these programs. As discussed above, most employees we met with do not make distinctions among them, nor do they particularly understand what these programs can and cannot do for them. Employees need to be provided with resources that better familiarize them with the purpose, objectives, and – where appropriate – accomplishments of each program.

### **3.9.3 Recommendations**

#### *3.9.3.1 ORM must continue to clarify and strengthen its relationship with on-site facility staff, management, and related programs in order to improve complaint processing and enhance the EEO environment at VA.*

ORM should strive to strengthen its relationship with facility staff and management regarding the CRS, and collaboratively strive to improve VA's EEO climate. One way in which ORM and the facilities can work toward reducing discrimination would be to jointly assess redacted complaint trend data. Analysis of redacted complaint data would allow ORM and VA management to identify trends and root causes in complaints, thereby effecting systemic improvements in critical areas such as recruitment, selection, and management practices. For example, ORM could work with Human Resources staff to help reduce the number of non-selection complaints by developing and communicating about more effective, valid, selection procedures.

Another benefit of strengthening the relationship between ORM and the facilities would be improved complaint processing because ORM would be better able to obtain information and cooperation from facility staff. From our findings, it appears that the relationship with some facilities is better than others. To improve its relationship with all facilities, each ORM Field Office should first identify the needs of the facilities within its Region. ORM should then establish formal communication procedures to be used with all facilities, using lessons learned from facilities where a strong relationship currently exists; any communication approach taken must also ensure ORM's key objectives of confidentiality and independence are still met.

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<sup>41</sup> The Federal Service Labor-Management Relations Statute, Chapter 71 of Title 5, United States Code.

*3.9.3.2 ORM and EEO-related programs should establish regular communication (such as forums, regularly scheduled conference calls, and meetings) to share information and ideas about improving the workplace environment.*

ORM should clarify its relationship with related programs and involve them in the CRS by sharing trends and issues and discussing ORM's philosophy and approach to complaint resolution. By sharing complaint information as well as demographic and affirmative employment data, ORM can effectively work with AA and Diversity Programs to better understand VA's EEO climate and identify ways to jointly foster a workplace free of discrimination and harassment.

With regard to the Unions, ORM has worked on Union relations at a national level; however this cooperation has not always carried down to the local facility level. ORM should continue to cultivate a better relationship with the Unions, particularly the local chapter, clarifying the Union's role in the new system.

In addition to communicating with each other, ORM and EEO-related programs should collaboratively disseminate information about each of their programs to VA employees. This communication would enable VA employees to better understand the purpose of each program, thereby helping to ensure their proper use. We suggest the development of a written communication (e.g., poster, flier, or tri-fold pamphlet) to ensure consistency of messages. Any communication should be provided to the On-site EEO Program Managers, to AA and Diversity Program representatives, to all managers, and to ORM staff to ensure wide dissemination to the VA population.





### 3.10 TRAINING OF ORM STAFF

As ORM acknowledged in *A Plan for Transformation*, the quality of services an organization provides its customers depends in part on the knowledge and skills of its staff. *A Plan for Transformation* considered the importance a highly motivated work force would play on the success of the CRS. The *Plan* outlined a Training/ Education and Performance Support Plan that ORM established to promote continuous learning and performance improvement of its staff. The Training/Education and Performance Support Plan was organized around three developmental stages:

- Building a learning infrastructure for all employee learning
- Developing and delivering training/education services and products that are available and accessible to all staff
- Establishing performance support and maintenance strategies to ensure that on-going training/education services and products are tailored to meet organizational performance outcomes.

ORM's progress in accomplishing each of the three developmental stages was reviewed throughout this assessment.

ORM's approach to educating ORM key staff (Intake Specialists, Counselors, and Investigators) in the new CRS has taken many forms. A Learning Resources Officer was appointed to coordinate the design, development, and implementation of training initiatives. An intensive, three-week training program was developed to provide the Intake Specialists, Counselors, and Investigators with the basic knowledge and skills to begin performing their jobs. Performance standards have been created for each of these three job functions. To ensure the continuous education of its staff, ORM has established a center devoted to training ORM employees. As with all training and communication, some of these approaches have proven more effective than others. All have been created with the intent of improving knowledge and skills, increasing awareness of VA's zero tolerance policy, and establishing a successful CRS where claims are processed in a timely fashion and early resolutions are sought.

To evaluate the effectiveness of ORM's strategy for providing staff with the necessary knowledge and skills to perform their jobs, we used the following approaches:

- Direct observation and evaluation of ORM's initial, three-week basic training provided to Intake Specialists, Counselors, and Investigators
- Formal and informal discussions with ORM's training and development staff

- Formal interviews with ORM’s Intake Specialists, Counselors, and Investigators (“key staff”), as well as with VA’s supervisory and non-supervisory employees
- Facilitated focus group sessions with ORM’s key staff
- Review of ORM’s and facilities’ printed materials, including training manuals, policies, procedures, brochures, flyers, training needs surveys, and training initiatives.

Figure 70. Evaluation Approaches



By employing this combined assessment approach, Booz·Allen was able to fully understand ORM’s training needs and objectives, and assess the extent to which they were being attained. Initial observations on training were documented in Booz·Allen’s *CRS Baseline Assessment Report*. Detailed findings from interviews can be found in Appendix C (Question 121).

### 3.10.1 Findings

*3.10.1.1 ORM has undertaken a variety of training initiatives to provide its key staff with the necessary knowledge, skills, and abilities.*

ORM placed its initial focus and resources on providing the Intake Specialists, Counselors, and Investigators with the basic knowledge and skills they would need to serve as representatives and facilitators of the CRS process. ORM, with members of the Transition Team, designed separate, intensive, three-week courses for each of the three job functions and then provided the training in four separate sessions to ensure that all target staff received it. They also identified alternative approaches to providing training to their staff, including orientations, nationwide broadcasts, and computer-based training. In addition, ORM conducted a training needs survey to determine the follow-on training needs of the staff.

*3.10.1.2 ORM developed a three-week training program to provide staff with a basic understanding of their roles and responsibilities and to “jump start” the new organization.*

ORM designed, developed, and conducted an intensive, three-week training program for its Intake Specialists, Counselors, and Investigators. The purpose of this training was to provide the key staff with a basic understanding of the tools, knowledge, and skills they would need to begin performing their jobs. The training also included an orientation to the CRS and an overview of ORM’s purpose, goals, and expectations for its staff.

The training was conducted at an off-site location (a hotel in Hunt Valley, Maryland) to ensure that the participants were able to focus their attention on learning about the CRS and how to perform their jobs, without other demands being placed on their time. ORM conducted four iterations of the three-week training course. ORM staff and other subject

matter experts served as instructors. The Intake Specialists, Counselors, and Investigators separately received instruction specific to their unique job functions. They also received combined training on topics of relevance to all three job functions.

Booz·Allen evaluated the fourth iteration of this three-week training, remaining on site with the participants throughout the course and observing each subject that was covered. Both course content and instructors' skills were analyzed as part of this process. In addition, Booz·Allen sought feedback from participants through survey tools and focus groups administered during the training course.

Detailed comments regarding the course content, participant feedback, and the evaluation's findings, conclusions, and recommendations can be found in Booz·Allen's *Evaluation of the Three-Week Training Program for Intake Specialists, Counselors, and Investigators*, submitted in August 1998.

*3.10.1.3 Provisions are being made for providing basic training to future new hires.*

It is doubtful that ORM will need to provide basic training to so many key staff again at one time as was required for the initial start-up activities. Therefore, it is unlikely that this three-week course will be presented again in the same manner as was experienced by those key staff involved in the initial training. When providing training to new hires, ORM plans to use components of this three-week course (and others subsequently developed) appropriate to the learning needs of the new hires.

*3.10.1.4 Most Counselors and Investigators, after having been on the job for several months, still say they received satisfactory basic-level training. Many Intake Specialists indicated they have additional training needs.*

During September–November 1998, Booz·Allen conducted interviews with Intake Specialists, Counselors, and Investigators in six Field Offices to determine, among other things, whether they still believed they had received the appropriate training to perform their jobs. At that time, the majority of the Counselors and Investigators indicated that they were properly trained, while the majority of the Intake Specialists felt they were not. In January–February 1999, interviews were held with Intake Specialists, Counselors, and Investigators in the remaining six Field Offices. The findings were consistent for the Counselors and Investigators; they found the basic training met their initial needs. However, the findings for the Intake Specialists differed, with those in the first round of interviews indicating they had not received sufficient training while those in the second round felt they had. Figure 71 provides a comparison of the findings that occurred during the September–November 1998 interviews with those that resulted from the January–February 1999 interviews.

**Figure 71. Do you feel you were properly trained to perform [your] duties?**

Key Staff	September–November 1998 Findings	January–February 1999 Findings
Intake Specialists	<ul style="list-style-type: none"> <li>No, not properly trained (6)</li> <li>Yes, properly trained (2)</li> </ul>	<ul style="list-style-type: none"> <li>Yes, properly trained; attributed to Hunt Valley and follow-on training (11)</li> <li>No, inadequate initial and follow-on training (9)</li> </ul>
Counselors	<ul style="list-style-type: none"> <li>Yes, properly trained (6)</li> <li>No, inadequate for people with no EEO experience (3)</li> </ul>	<ul style="list-style-type: none"> <li>Yes, properly trained; attributed to Hunt Valley and, for some, to on-going training (17)</li> <li>No (4)</li> </ul>
Investigators	<ul style="list-style-type: none"> <li>Yes, properly trained (6)</li> <li>No, training inadequate without prior EEO experience (2)</li> </ul>	<ul style="list-style-type: none"> <li>Yes, properly trained (11)</li> <li>No, initial training insufficient without prior experience (7)</li> </ul>

Findings from these two rounds of interviews also resulted in obtaining some opinions regarding the types of additional training that these key staff would like to receive. The Intake Specialists requested training in evaluating Investigators’ reports, performing acceptability determinations, and performing legal analyses. The Counselors wanted training in improving and standardizing counseling skills, report writing, regulatory analysis, information gathering, settlement agreements, and ADR training. The Investigators identified legal analysis and report writing as areas where they could benefit from additional training.

*3.10.1.5 ORM’s training needs survey provided the office with increased awareness of additional knowledge and skills needed by key staff.*

In August 1998, ORM’s Learning Resources Officer conducted a training needs survey of ORM’s EEO Assistants, Intake Specialists, Counselors, and Investigators. The Learning Resources Officer provided Booz·Allen with the report he had created after analyzing the results of the survey. ORM’s EEO Assistants, Intake Specialists, Counselors, and Investigators were the target audience for the survey. ORM obtained a 48 percent rate of return on their survey, with 101 out of a possible 210 responses. Figure 72 provides a listing of the training needs identified by staff. Many of the needs identified during this survey were in line with the findings of Booz·Allen’s evaluation. Examples include requests for training in legal analysis, report writing, and investigative techniques.

**Figure 72. Results of ORM's Training Needs Survey**

Position	Training Needs Identified
Intake Specialists	<ul style="list-style-type: none"> <li>• Legal Analysis</li> <li>• Legal Writing</li> <li>• Leadership Development</li> <li>• "Personnet"</li> <li>• Automation</li> <li>• Investigative Techniques</li> </ul>
Counselors	<ul style="list-style-type: none"> <li>• EEO Law and Procedures</li> <li>• Human Resources Management</li> <li>• Time Management</li> <li>• Automation</li> <li>• Leadership Development</li> </ul>
Investigators	<ul style="list-style-type: none"> <li>• Investigative Techniques</li> <li>• Legal Analysis</li> <li>• Report Writing</li> <li>• Automation</li> <li>• Leadership Development</li> </ul>

Source: ORM Training Initiatives report, undated.

**3.10.1.6** *ORM recognizes the need for continuous improvement and has identified several training opportunities for further educating its key staff.*

Booz·Allen conducted interviews and informal discussions with ORM's training and development staff to ascertain their plans for future training. In addition, Booz·Allen reviewed ORM's *Training Initiatives* document, and saw first-hand some of the activities they have implemented to date.

ORM has identified as one of its goals making the Office "the best in government."<sup>42</sup> To accomplish this, managers have placed significant importance on continuously educating staff. To ensure they are providing the best training, ORM's training approach encompasses a variety of tools. These include computer based training, self-study training, satellite broadcasts, and formal, classroom training. In addition, ORM has created a library and training lab in Bay Pines, Florida that is dedicated to providing ongoing training for ORM staff.

ORM's current training initiatives are addressing many of the needs identified by the ORM staff. The initiatives include:

- *On-line computer based training:* ORM is exploring ways of providing employees with training modules through the VA intranet. In conjunction with this, ORM has designed a Learning Resources web page that will ultimately link to the ORM web page. This will aid in on-line course registration, and provide access to interactive computer-based training modules, among other benefits.

<sup>42</sup> Source: *A Plan for Transformation*.

- *Leadership Development Training:* The Learning Resources Officer has developed a Leadership Training Module to be provided to ORM supervisory and non-supervisory employees.
- *Team Building:* ORM is working with the International Training Consortium (ITC) to develop a team building course that will result in interactive/self-empowered work teams. Plans are to provide the classroom-style training at each of the Field Offices.
- *Follow-on Training:* ORM will develop courses for the Intake Specialists, Counselors, and Investigators that meet the needs identified in ORM's training needs survey.
- *Instructor Development Course:* ORM will provide train-the-trainer sessions to provide new instructors with skills in how to present training materials.

In addition to these internal training initiatives, ORM is partnering with the United States Department of Agriculture (USDA), obtaining numerous correspondence courses they plan to offer key staff as a self-study alternative.

ORM maintains a training database at the Bay Pines facility to track ORM's staff attendance at training. This database enables ORM to determine the types of training that an individual ORM staff member has participated in, as well as identifying those staff who have not taken required training. The database is maintained by ORM's Learning Resources Officer.

According to its Learning Resources Officer, ORM is also establishing an ORM Training Committee, chaired by a Regional Officer and including one participant from each ORM job function, and the Learning Resources Officer. This Training Committee will conduct needs assessments and seek the input of Regional Officers and supervisors to identify future training needs.

*3.10.1.7 The competencies ORM's key staff identified for outstanding performers are similar to the skills included in ORM's vacancy announcements, performance standards, and training programs.*

To further assess the overall skills required of ORM's key staff, Booz·Allen wanted to compare high performance competencies with the staff's hiring requirements, training opportunities and performance standards. There were no existing, formalized competencies available for this assessment; therefore, Booz·Allen asked ORM's key staff in six Field Offices to identify the competencies and behavioral indicators (demonstrations of competencies) they felt outstanding performers (the best in the field) should possess, and had key staff in the other six Field Offices conduct a matching exercise to validate the competencies and their corresponding behavioral indicators.

The resulting competencies are shown in Figure 73. An in-depth report of the objectives, approach, findings, and conclusions of this competency assessment are contained in the *Final Report: Validation of Competencies and Behavioral Indicators Identified by ORM's Intake Specialists, Counselors, and Investigators*, to be submitted in May 1999.

**Figure 73. Competencies of High Performers Identified by ORM Key Staff**

	JOB TITLE		
	Intake Specialist	Counselor	Investigator
COMPETENCIES	<ul style="list-style-type: none"> <li>• Analytical Skills</li> <li>• Time Management</li> <li>• Oral Communication</li> <li>• Interpersonal Skills</li> <li>• Technical Expertise</li> <li>• Supervisory Skills</li> <li>• Writing Skills</li> <li>• Openness to Change</li> <li>• Leadership Skills</li> <li>• Customer Service</li> </ul>	<ul style="list-style-type: none"> <li>• Analytical Skills</li> <li>• Interpersonal Skills</li> <li>• Interview Skills</li> <li>• Report Writing</li> <li>• Time Management</li> <li>• Mediation Skills</li> <li>• Active Listening</li> <li>• Leadership</li> <li>• Neutrality</li> </ul>	<ul style="list-style-type: none"> <li>• Analytical Skills</li> <li>• Communication Skills</li> <li>• Time Management/Organizational Skills</li> <li>• Fact Finding/Research Skills</li> <li>• Technical Knowledge</li> <li>• Interviewing Skills</li> <li>• Report Writing Skills</li> </ul>

Once the competencies and their behavioral indicators were validated, we compared the results with ORM’s vacancy announcement, performance standards, training programs, and training needs identified by key staff. The goal of these comparisons was to determine if ORM hires, evaluates, and trains its key staff on the basis of competencies seen as important by those key staff.

The results of our analyses indicate that the factors upon which ORM hires, evaluates and trains its key staff are similar to the competencies identified by these key staff as important for outstanding performers. Our *Final Report: Validation of Competencies and Behavioral Indicators Identified by ORM's Intake Specialists, Counselors, and Investigators* describes the findings from each of our analyses in greater detail.

### 3.10.2 Conclusions

#### 3.10.2.1 *ORM’s three-week training provided the appropriate training to start off the new organization.*

In designing the curricula for the three-week training, ORM had to go beyond providing basic knowledge and skills. ORM needed to establish a sense of the new organization. ORM also had to hire employees who had some existing knowledge of VA and EEO, and building an organization. The employees needed to be taught that ORM is not “business as usual.” ORM succeeded in providing those key staff with the information they need to help ORM jump start the new organization.



*3.10.2.2 ORM's demonstrated commitment to providing professional growth opportunities to its employees will enable existing and future key staff to obtain the types of training that continuously improves their skills.*

ORM's commitment to further education has been demonstrated by: the establishment of the ORM Training Lab at Bay Pines, FL.; the training needs survey that sought key staff's opinions of areas where they would like to receive additional training; the partnering opportunities that ORM management (including the Learning Resources Officer) are pursuing; and the training initiatives that have been developed or are in the process of being developed. While there are still areas where staff lack the skills needed to perform optimally, we believe that ORM desires to continuously improve the knowledge and skills of key staff. Through this approach to furthering education, ORM is striving to provide competent, knowledgeable, and professional staff.

*3.10.2.3 The Intake Specialists, Counselors, and Investigators need immediate, additional training in areas key to their job performance.*

The learning needs that key staff have identified are crucial to the quality of their performance on the job and should be provided in the immediate future. For example, Counselors are seeking additional training in EEO Law and Procedures, a knowledge area that provides the foundation for their initial counseling of the customers. Intake Specialists have requested training in legal analysis and legal writing, as well as leadership development. In addition, if the Intake Specialists are to serve as Team Leaders, they require supervisory training, which was not provided during their basic, three-week training. Investigators feel that they need better investigative techniques, and improved skills in legal analysis and report writing. It should be noted that ORM is aware of these needs, as many of them were detailed as a result of ORM's Training Needs Survey.

*3.10.2.4 ORM's approaches to hiring, evaluating, and training its key staff are compatible with one another and are consistent with the competencies key staff identified for high performers.*

The competencies ORM's key staff identified are consistent with the job factors used to hire the key staff, the performance standards used to evaluate them, and the training that has been provided to them. The consistency among ORM's hiring, performance evaluation, and training processes suggests that ORM has an integrated approach to human resources.

In addition to similarities with one another, ORM's hiring, evaluation, and training approaches are also related to the competencies key staff identified for high performers. This suggests that ORM staff are aware of the performance expectations placed on them. However, ORM staff were asked to describe the competencies of high performers, so the extent to which they differentiate between the expectations of average and high performers is unclear.

### 3.10.3 Recommendations

#### 3.10.3.1 *ORM should continue to identify learning needs and provide its staff with ongoing, targeted training opportunities.*

ORM is demonstrating positive efforts to continue providing needed training to its key staff, as evidenced in ORM's *Training Initiatives Report*. We recommend that ORM continue its plans to develop and deliver training in the areas identified as a result of Booz-Allen's study and ORM's training needs assessment. We further recommend that, when classroom-style training is provided, ORM ensure that its instructors first participate in a train-the-trainer session so they fully understand the purpose, learning objectives, and instructional process for each course they deliver.

#### 3.10.3.2 *ORM should conduct follow-up evaluations of staff to determine the extent to which they are exhibiting learned behaviors on the job.*

To assess on-the-job performance of newly-acquired or enhanced skills, we recommend that ORM evaluate staff after they leave the training environment and have been on the job again for at least one month. There are a variety of methods for accomplishing this, including direct observation, supervisor input, review of work products (e.g., reports), and customer feedback. In addition, the key staff themselves should be queried for their opinions regarding how well they are able to apply the training they received upon returning to their jobs. By conducting these follow-up evaluations, ORM will be able to better determine how successfully staff are retaining and applying the knowledge and skills they obtained during training, as well as areas where they still need assistance. In addition, ORM will be better able to identify where its training courses are succeeding and where improvement may be needed.

#### 3.10.3.3 *ORM should establish a mentoring program to acclimate staff to new responsibilities.*

The key staff who participated in ORM's basic three-week training program benefited from the opportunity to network and bond with their peers in an isolated, intensive training environment. Many of these key staff have mentioned in interviews the value of that opportunity in terms of knowing peers they can call on in their own Field Offices and beyond. Since the inception of the new CRS, ORM has hired some additional new key staff and will continue to do so into the future. To ensure that these new hires receive similar opportunities for transition into the ORM environment, we recommend that ORM establish a formalized mentoring program. The mentoring program should include the purpose, objectives, and process under which the program will operate, criteria to be met to serve as a mentor, and the key responsibilities of both the mentor and protégé. By formalizing this process, ORM is ensured that all newly-hired key staff, upon arrival, will be assigned a mentor to guide them through the beginning stages of their employment. In addition to easing the new-hires transition process, the mentoring program offers experienced employees the opportunity for recognition as "experts," and lessens the burdens on supervisors, who cannot always be readily available to respond to every new-hire question. Furthermore, the mentoring program helps ensure that ORM has a workforce that is sharing and promoting its vision and its work ethic.

*3.10.3.4 To encourage key staff to strive for excellence, ORM senior managers should establish and communicate competencies that outstanding staff in key positions are expected to demonstrate.*

ORM has set high expectations for itself as an organization and for its staff. To this end, ORM has already established a draft list of competencies that all ORM employees should exhibit. These draft competencies include:

- Personal Mastery
- Technical Mastery
- Organizational Stewardship
- Due Professional Care
- Critical Thinking
- Legal Comprehension
- Interpersonal Effectiveness
- Customer Service.

In addition to establishing ORM-wide competencies, we recommend that ORM establish a set of competencies specific to each key staff position. To ensure that key staff are aware of what is required for them to excel, ORM senior managers should identify the competencies characteristic of both average and outstanding performers. The resulting competencies, and how they are expected to be demonstrated, can be used by ORM managers to develop career development plans for all key staff.

Once competencies and their related performance expectations are established, ORM Regional Officers should communicate their expectations with key staff. To ensure consistency in expectations and opportunities to excel across Field Offices, ORM Regional Officers could coordinate their efforts and develop outreach communications to be sent to all staff. However, as discussed in Section 3.6.3.2, face-to-face interactions are critical to ensure that staff truly understand the performance expectations placed on them.

### 3.11 EDUCATING VA EMPLOYEES ABOUT THE NEW CRS

To assess the value of the training that has been provided to VA’s workforce, Booz·Allen:

- Reviewed a number of documents, including training materials created at the local level that were obtained during site visits
- Discussed training plans and materials with ORM’s Learning Resources Officer
- Observed training first-hand that was provided to the employees
- Explored employee perceptions during focus group sessions and one-on-one interviews.

The results of this data collection and review are contained in the following paragraphs related to VA employee training. Additional detail from our focus groups and interviews can be found in Appendix B (Questions 13–24) and Appendix C (Questions 122–151).

#### 3.11.1 Findings

##### 3.11.1.1 *ORM has created and delivered employee awareness presentations, with mixed success.*

ORM initially created a brief employee awareness presentation, entitled *Basic Introduction to the Office of Resolution Management*. This presentation provided some very basic information about the new organization, a comparison of the previous and current systems, and the methods for contacting ORM Counselors. The presentation was conducted primarily by ORM staff and provided to employees in all VA facilities. The presentation concluded with the instructors soliciting questions from the audience (VA employees). A representative of Booz·Allen observed several iterations of this presentation at one of the Field Offices. The presentation was approximately 15 minutes in length. The material was presented quickly, handouts of the slide presentation were not provided to the participants, and in each session Booz·Allen observed, the employees did not ask questions. Employees who attended the sessions were provided with a tri-fold flier entitled *Introducing the Office of Resolution Management (ORM) and the Office of Employment Discrimination Complaint Adjudication (OEDCA)*. While the presentation itself was not in-depth or engaging enough to fully inform VA employees of the new program, the flier was informative and provided the employees with a resource they could reference if the need arose.

ORM subsequently created an in-depth video in conjunction with VA’s Employee Education System and the Office of General Counsel about the new system that was broadcast by satellite in January 1999. The broadcast was entitled *VA’s New Discrimination Complaints Process and the Law of EEO*. It was originally piloted to On-site EEO Program Managers. Booz·Allen observed this pilot presentation. The presentation was much more thorough than the initial awareness presentation. It was in-depth, engaging, and interactive. Employees were able to call in their questions for immediate response. ORM subsequently broadcast the video to all employees. Results from the employee opinion survey

administered by Booz-Allen showed that 45 percent of the non-supervisory employees and 57 percent of supervisory employees reported attending the video broadcast.

*3.11.1.2 VA’s employees have received training from their facilities on the new CRS, and expressed mixed reactions about its effectiveness.*

When focus group participants were asked their opinions regarding the effectiveness of the training they have received on the new CRS, opinions were divided, as shown in Figure 74. Many of the non-supervisory employees found it ineffective. These employees found the training to be too brief and/or poorly executed. Several non-supervisory employees said they had never received any training on the new system.

The supervisory employees were also divided in their opinions regarding the training’s effectiveness. Those who did not consider it effective mentioned, among other things, that it was not detailed enough; however, those supervisory employees who said it was effective indicated that the training they received was comprehensive.

**Figure 74. How effective was the training you received on VA’s new CRS?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• The training was ineffective (e.g., brief orientation; not well executed; poor videos; unclear) (9)</li> <li>• Training was good and provided general awareness (7)</li> <li>• Never received any training on the new system (7)</li> </ul>	<ul style="list-style-type: none"> <li>• Training was effective (e.g., it was comprehensive; know whom to contact; received a handout) (15)</li> <li>• Training was ineffective (e.g., confusing; not detailed enough; no training; focus on process, not how to access system) (14)</li> </ul>

*3.11.1.3 VA employees receive EEO-related training from their facilities as a part of the ongoing training efforts.*

The On-site EEO Program Managers and Training and Development staff who were interviewed generally agreed that employees receive EEO-related training during new-hire orientation. Beyond that, there was little agreement regarding the frequency of or requirements for EEO-related training. See Figure 75 for the themes from these interviews.

**Figure 75. How often do non-supervisory employees receive EEO-related training? What about supervisory employees?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: On-site EEO Program Managers and Training and Development Staff</b>	
<ul style="list-style-type: none"> <li>• All employees receive training at orientation (11)</li> <li>• Employees receive training every two years (9)</li> <li>• All employees (supervisory employees and non-supervisory employees) receive training twice a year (3)</li> <li>• Supervisor employees receive training every other year (2)</li> </ul>	

There were some differences noted in responses received during the September–November 1998 interviews and the January–February 1999 interviews. In the first round, all Training and Development staff questioned indicated that employees receive training annually. In the second round, none of the Training and Development staff mentioned annual training.

In general, both supervisory and non-supervisory employees receive the same EEO training, which includes sexual harassment, cultural diversity, the EEO process, and ORM-related information. For supervisory employees, this training is usually mandatory. If it is not mandatory, it is “strongly encouraged.” Most non-supervisory and supervisory employees receive EEO-related training annually. Training on sexual harassment and the EEO process were the most frequently mentioned types of training received.

When asked whether supervisory employees and non-supervisory employees receive an appropriate amount of EEO-related training, the majority of Training and Development Staff and On-site EEO Program Managers interviewed said yes. They also said the content of this training was appropriate to meet learning needs. Although many of these interviewees felt the content of existing training was appropriate, they requested several improvements to the training, as shown in Figure 76.

**Figure 76. What could be done to improve training?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: On-site EEO Program Managers and Training and Development Staff</b>	
<ul style="list-style-type: none"> <li>• Increase creativity; improve technology; target training to needs; use subject matter experts and/or have ORM staff conduct all EEO-related training (21)</li> </ul>	

Results from Booz·Allen’s employee survey show that the majority of respondents reported receiving EEO-related training once or twice in the past two years. In fact, more than half of respondents indicated they had received EEO-related training two or more times in the past two years. The clear majority of respondents rated the EEO-related training they

received as useful and that it covered the most important topics. Furthermore, most respondents felt the instructors who facilitated the EEO-related training were effective.

*3.11.1.4 ORM-created materials frequently serve as the basis for facilities' EEO training.*

Many of the On-site EEO Program Managers and Training and Development staff at the facilities obtain EEO-related training materials from ORM. They then modify these materials to meet the needs of their individual facilities. The On-site EEO Program Manager or other local staff usually administers the training. Other interviewees said the majority of their information for EEO training is obtained from the On-site EEO Program Manager. Several interviewees indicated that they outsource their training, but they were in the minority.

Participants are usually requested to complete evaluation forms at the conclusion of the training; these are then used to modify future training.

*3.11.1.5 ORM has taken a lead role in developing plans to provide VA's employees with additional training opportunities.*

ORM has identified numerous other training initiatives that it will be providing to the VA workforce at large, primarily through computer-based training that can be accessed through VA's Intranet system. ORM's computer-based training plans have been approved and funded. Planned offerings include:

- Sexual harassment, diversity, and conflict resolution
- An on-line EEO Learning Library (videos and course materials) with on-line request forms
- Access to computer-based training modules that cover the use of MS Word, Excel, and ACCESS
- On-line ORM newsletter
- On-line skill/competency assessment
- On-line training calendar.

ORM's *Training Initiatives* report states among its reasons for providing these courses the need to "educate, sensitize, and, consequently, strive to change any undesired behavior of members of the VA workforce on discrimination, sexual harassment, and diversity issues." Results from the employee survey provide support for this need, insofar as more respondents than not agreed that employees, particularly supervisory employees, should receive EEO-related training more frequently than they currently do.

*3.11.1.6 VA has employed a variety of methods to communicate information about the new CRS.*

Booz·Allen used a variety of approaches to learn how the general VA population at large was learning about the new CRS. During interviews and focus group sessions, Booz·Allen asked employees how they learned about the new CRS. During site visits, the team requested copies of materials being used to explain and/or promote the new CRS. As a

result, the team found that VA has employed a variety of methods in an attempt to spread the word about the new CRS.

To determine the communication tools and techniques that were being used at the facilities, input was sought directly from VA staff responsible for communicating information about the new system to employees at the facilities. The majority of the Communications and Training and Development staff interviewed indicated that their offices have communicated information about the new CRS. They used a variety of approaches, as illustrated in Figure 77, to ensure that they were reaching a broad audience. The most effective communication approach is perceived to be a combined approach. E-mails and printed materials were the most frequently mentioned communication methods used within the combined approach format.

In addition, articles about the new CRS have been included in the employee magazine, *Vanguard*, and information has been included in employees’ pay slips. In these communications, ORM addressed the concern about Facility Directors being previously involved in the CRS and how the Director is now removed from the new process.

**Figure 77. What communication methods were/are used by VA to get the message out about the new CRS?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: Communications Staff and Training and Development Staff</b>	
<ul style="list-style-type: none"> <li>• Used a combined approach, consisting of a variety of combinations of the following: newsletters; meetings; electronic media; training; brochures/flyers (20)</li> </ul>	

VA staff who had responsibility for implementing communications were asked whether they were aware of a formal Communications Plan that outlined how VA intended to disseminate information about the new CRS throughout the organization. The majority of the interviewees did not know whether a plan existed or not. A few of the interviewees indicated that they believed a Communications Plan existed, but stated they had never seen one. In fact, a Communications Plan that outlined the steps to be taken to communicate information about the new CRS was developed and all the steps outlined have been enacted, according to the Office of Public Affairs.

Additionally, as discussed in Section 3.11.1.1, ORM developed an interactive broadcast entitled *VA’s New Discrimination Complaints Process and the Law of EEO*. The purpose of this broadcast is to assist the viewer in understanding VA’s new CRS, the law of discrimination and the role of employees and management in the EEO process.



3.11.1.7 *Most employees learned about the new system through training, rather than “standard” communications avenues. Many employees, however, stated that they are not aware of a new system.*

During focus group sessions, non-supervisory and supervisory employees were asked how they learned about the new CRS. Several non-supervisory employees indicated that they did not know there was a new system. There were more respondents who said they did not know there was a new system in the January–February 1999 focus groups than in the September–November 1998 focus groups (see Figure 78).

**Figure 78. How did you learn about VA’s new CRS?**

<b>COMMON THEMES FROM FOCUS GROUPS</b>	
<b>Non-Supervisory Employees (January–February 1999)</b>	<b>Supervisory Employees (January–February 1999)</b>
<ul style="list-style-type: none"> <li>• Did not know there is a new system (13)</li> <li>• Learned through training (9)</li> <li>• Meetings/presentations (9)</li> <li>• E-mail (8)</li> <li>• Printed material (8)</li> </ul>	<ul style="list-style-type: none"> <li>• Through various types of printed material (15)</li> <li>• Meetings/presentations (14)</li> <li>• Training (13)</li> <li>• Informally, through word of mouth (8)</li> </ul>
<b>Non-Supervisory Employees (September–November 1998)</b>	<b>Supervisory Employees (September–November 1998)</b>
<ul style="list-style-type: none"> <li>• ORM presentation (5)</li> <li>• Didn’t know about the new system (3)</li> <li>• E-mail (3)</li> <li>• Bulletin Boards (2)</li> </ul>	<ul style="list-style-type: none"> <li>• ORM presentation (8)</li> <li>• Memoranda/internal mailings (4)</li> <li>• On-site EEO Program Manager (2)</li> </ul>

Of those who were aware of the new system, the greatest number (both supervisory and non-supervisory employees) said they learned about the new system through training. E-mails and printed materials were the next most frequent methods for learning about the new system. Respondents to the employee survey also indicated that training was the most common means of learning about the new CRS.

3.11.1.8 *Most employees understand how to access the system even if they do not have an in-depth understanding of the process.*

While many employees do not know the exact process to be followed in filing a complaint under the new system, it is perceived that they know how to take the first step in obtaining ORM assistance, as illustrated in Figure 79. In some cases, they view this as talking with the On-site EEO Program Manager and in others as contacting an ORM Counselor. (Most EEO Program Managers interviewed said they refer their employees to the ORM Counselors when they are approached.) Even if the employees do not personally know who their Counselors are, the majority of these employees said they had seen the names published in posters or flyers and would refer to this information to contact them. The

employee survey results correspond with these data in that the majority of respondents reported understanding the new complaint resolution process and the first step to take in using the CRS.

**Figure 79. Are employees sufficiently aware of the process for filing EEO complaints under the new CRS?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees:</b>	<b>On-site EEO Program Managers, Human Resources Staff, Training and Development Staff, and Union Representatives</b>
	<ul style="list-style-type: none"> <li>• Employees may not know the process for filing complaints, but they know whom to contact to get information or direction (30)</li> <li>• Employees are aware of their rights under the new system, but <u>not</u> the process to follow (27)</li> <li>• Employees are aware of the process for filing complaints (13)</li> <li>• Employees are not aware of their rights (7–Unions only)</li> </ul>

When queried during interviews or focus groups, most VA employees said they were aware of the differences in the old and new complaint resolution systems. The most frequently mentioned differences were:

- It is managed by an outside system
- The contact and location of the Counselors has changed
- The Facility Directors have been removed from the process.

Opinions were mixed regarding whether Counselors being outside the facility was an improvement. Many interviewees indicated that not having the Counselors on site for face-to-face interaction is detrimental. Others said their removal helped ensure confidentiality. Several interviewees mentioned the need for increased visibility of ORM staff at the facilities. In fact, many said that employees would go to Union representatives before going to Counselors because the Union representatives were more visible. During focus group sessions, there were several comments that indicated friction exists at times between the supervisory employees and Counselors, with supervisory employees feeling they are being left out of the loop. The employee survey also reflected mixed opinions in that while most respondents believed that EEO Counselors were accessible, a slightly higher percentage of respondents felt that EEO Counselors should be located on-site at facilities as opposed to off-site. When asked which method of contacting Counselors was preferable, survey respondents were equally divided between contacting an on-site Counselor, contacting an off-site Counselor over the telephone, or contacting either an on-site or off-site Counselor.

*3.11.1.9 Most employees understand the types of behavior that are and are not acceptable in the VA environment.*

Most interviewees (i.e., Communications staff, Human Resources staff, On-site EEO Program Managers, Training and Development staff, and Union Representatives) believe that employees understand what is considered acceptable versus unacceptable behavior in the

work place. Sexual harassment and discrimination were the most frequently identified types of unacceptable behavior. Survey respondents also reported understanding what is or is not acceptable behavior; they reported that the most common ways of learning are through training sessions, written guidelines, and supervisory employees.

Focus group participants were asked to provide definitions of harassment and discrimination. Most focus group respondents (supervisory and non-supervisory employees) defined harassment as any type of threatening or unwarranted behavior and defined discrimination as unfair work practices based on factors such as gender, race, and age. The majority of these respondents said they learned this through training, the media, and life experience.

When On-site EEO Program Managers were asked the extent to which employees understand the definitions of discrimination and harassment, their opinions were closely divided. A slight majority indicated that employees do not have a significant understanding of the two definitions and they confuse them when making complaints. Others said the explanations employees receive during harassment and discrimination training enable them to make the distinctions. In contrast, nearly all non-supervisory and supervisory employees indicated that they understood the definitions of discrimination and harassment.

*3.11.1.10 Most employees are aware that guidelines exist regarding disciplinary measures that can be imposed.*

When asked the extent to which employees understand the guidelines on disciplinary measures that may be imposed in response to EEO offenses, a majority of the interviewees (i.e., Communications staff, Human Resources staff, On-site EEO Program Managers, Training and Development staff, and Union Representatives) said the employees do not understand the guidelines or the disciplinary measures that may be imposed. Several interviewees felt the employees had some awareness, though they may not be aware of the severity of the disciplinary measures.

The non-supervisory and supervisory employees were asked during focus group sessions for their knowledge of the disciplinary measures that will be taken for unacceptable behavior. During the January–February 1999 focus groups, most of the non-supervisory employees could identify some actions that would be taken, and said that discipline for unacceptable behavior includes verbal counseling, written counseling, (including a note in the employee’s personnel file), and corrective action (e.g., reassignment, reprimand, suspension, termination). The majority of the supervisory employees said that progressive discipline (verbal counseling, written reprimand, admonishment, suspension, termination) is the escalating process usually applied as disciplinary measures. These responses are very similar to the ones obtained during the non-supervisory and supervisory employee focus groups conducted during September–November 1998.

*3.11.1.11 Employees may obtain guidelines on disciplinary actions from a variety of resources.*

Supervisors, On-site EEO Program Managers, Human Resources staff, and training classes were all identified by the Training and Development staff interviewed as resources for obtaining disciplinary guidelines. In the majority of instances, this information is provided in written format, and are primarily disseminated during training programs. According to the interviewees, the guidelines are also contained in the Union contracts and VA's policy statements.

During their focus group sessions, most of the non-supervisory employees who identified where they had learned about disciplinary actions said they learned during training. Other avenues for learning included personal experience, word-of-mouth, and printed materials such as the Employee Manual or handouts. The majority of participants in the supervisory employee focus groups said they learned these guidelines through the Table of Penalties, which they obtained from Human Resources.

Similar to our interviews, respondents to our employee survey reported that training sessions, written guidelines, and supervisors were the most common ways of learning guidelines on disciplinary actions. However, the employee survey results also suggest opportunities for improvement since most respondents (70 percent of non-supervisory employees and 56 percent of supervisory employees) were unaware of or not pleased with how well guidelines on disciplinary actions are distributed in their facilities.

When asked what, if anything, should be done to improve the types and content of behavioral and disciplinary guidelines, several employees in our focus groups suggested that additional, targeted training should be provided. They also wanted more information about Central Office's training plans for the future. Another suggestion was to circulate statistics that demonstrate that actions have consequences.

## **3.11.2 Conclusions**

*3.11.2.1 While the quality of EEO-related training varies across VA facilities, most employees know the difference between acceptable and unacceptable behavior, and how to access the CRS if they need it.*

The majority of employees queried in interviews and focus groups indicated that they know what constitutes unacceptable behavior. They have learned this through a variety of resources, of which training was a part. Employees may not understand all of the steps involved in taking a claim through the CRS, but they do know how to access the system.

Training is not always the answer for changing behaviors of those few employees who will not adhere to behavioral guidelines. However, there may be some specific learning needs, identified through ORM's root cause analysis, where additional EEO-related training could prove beneficial.

### 3.11.3 Recommendations

#### 3.11.3.1 *ORM should continue to identify targeted areas where EEO-related training is needed and work with other VA offices to provide it to VA employees.*

ORM's objective is to have an impact in the reduction of EEO-related complaints. The results of ORM's root cause analysis provide the opportunity for identifying areas where weaknesses are occurring that could be properly addressed through continued training and education. ORM and VA need to take full advantage of this opportunity. In terms of training, ORM's priorities and resources are primarily focused on its key staff, who are directly involved in the CRS process. While we recognize that it is not ORM's responsibility to do so, we recommend that ORM consider expanding its training initiatives to include partnering with all facilities in developing EEO-related materials. Contributing ORM's training expertise and technologies to creating training packages that can be disseminated to all facilities could immediately improve the quality of education VA's employees are receiving. Several options for successfully partnering with the facilities could be explored. For example, to ensure that the specific EEO-related educational needs of all facility staff are being met, and that information is being consistently taught to the VA population, ORM could include appropriate facility representatives in the development of the training materials; alternatively, ORM could develop "cafeteria style" training materials from which facilities could choose those that most appropriately meet their employees' learning needs. To ensure that the materials are being presented effectively, ORM might provide facility instructors access to ORM's train-the-trainer session or, if feasible, ORM could conduct the training.

### 3.12 DISCIPLINARY MEASURES

Per Public Law 105-114, Booz·Allen was tasked with assessing the effectiveness of “disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment laws in preventing or deterring violations by other employees of the Department.” Our assessment addressed this issue by exploring:

- Where responsibility for making decisions about and administering discipline lies
- The extent to which knowledge of disciplinary measures imposed for EEO offenses impacts the actions of others
- The degree to which VA staff perceive that discipline is appropriately and consistently applied.

Although ORM does not determine nor administer disciplinary measures, discipline is still a paramount issue relevant to their operation and perceived effectiveness. Discipline represents one way in which employees can see the outcomes of EEO complaints. As such, even though discipline is handled by the facilities (as will be discussed below in more detail), some employees may *think* that disciplinary decisions are under ORM’s purview. Accordingly, judgments about ORM may in part be based on the discipline employees see imposed in the facilities. Consequently, whether discipline is handled fairly can greatly impact employees’ likeliness of using the CRS.

Booz·Allen collected data on this topic via documentation review, interviews, focus groups, and the employee survey. Data reported in this section are included in more detail in Appendix B (Questions 25–27) and Appendix C (Questions 152–158). Additionally, where appropriate, we compare data obtained from various sources to determine whether our findings are consistent across data collection methods.

#### 3.12.1 Findings

*3.12.1.1 Facilities are responsible for determining and enacting disciplinary measures; accordingly, ORM has no direct impact on the administration of discipline.*

The VA process of EEO complaint resolution places the responsibility for determining and enacting disciplinary measures for EEO violations with each VA Facility Director, just as for other types of violations. Highlighting the importance of this function, a Medical Center Memorandum reports that “the administration of employee discipline, preventive as well as corrective, and in conformance with applicable Union or VA grievance procedures, is one of the most important responsibilities of supervisors and Service Chiefs.”<sup>43</sup>

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<sup>43</sup> Disciplinary and Adverse Actions for General Schedule and Federal Wage System Employees: Medical Center Memorandum No. 05-97-1, Brockton, West Roxbury, MA, June 25, 1997

VA disciplinary guidelines emphasize discipline as rehabilitative, rather than simply punitive. Interviewees pointed to the progressive discipline system as an example of this rehabilitative approach. Within a rehabilitative framework, the intent of discipline is to bring about desired change in the employee’s behavior.

Discipline may take the form of disciplinary actions, such as “admonishments, reprimands, and suspensions of 14 days or less,” or adverse actions, such as “removal, separation for more than 14 days, furlough for 30 days (22 non-continuous days) or less, or reduction in grade or pay.”<sup>44</sup> Our documentation review revealed that VA facility staff can refer to the Table of Offenses and Penalties for guidance on determining the extent of the discipline; however, the actual disciplinary measures to be enacted are at the discretion of facility management. This gives them the flexibility to determine disciplinary measures after considering the specifics of the case, as well as the appointment authority of the involved parties.

Supervisors/managers have different levels of authority for issuing disciplinary and adverse actions. For example, after reviewing the policies of several facilities, it appears that supervisors generally can only administer admonishments. Higher level supervisors/managers are permitted to administer more severe disciplinary measures.

Based on our documentation review, our understanding of the typical discipline process is displayed in Figure 80. Although EEO complaint resolution processing now occurs outside the facility with the new CRS, the case “reenters” the facility’s discipline process at the final stages. (Note that this figure is not intended to display the entire EEO complaint cycle; rather, it highlights the extent of ORM/OEDCA’s involvement in the discipline process.)

Essentially, the key change is that the discipline process is initiated in VA Central Office (VACO) by OEDCA, rather than by facility-level officials. OEDCA prepares a memo for the Secretary’s signature requiring the appropriate official in VACO to ensure that facility management makes a determination as to whether disciplinary action is warranted and, if so, that such action is taken. In most cases, facility management still has the final say in determining and imposing discipline. However, facility management must, within 60 days of its receipt of the Secretary’s memo, or as soon thereafter as possible, provide a follow-up report to the Assistant Secretary for Human Resources and Administration (HR&A) who is responsible for creating a follow-up file and monitoring the process.<sup>45</sup> The facility’s follow-up report must detail the rationale for the determination as to whether discipline is warranted and any action taken.<sup>46</sup>

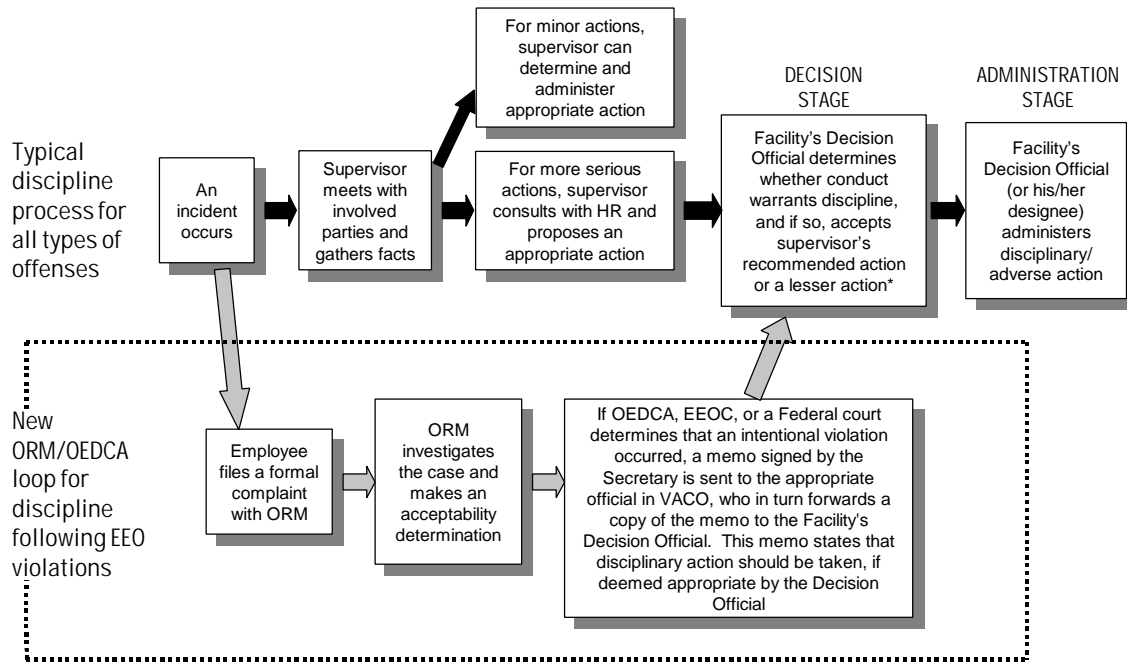
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<sup>44</sup> MP-5, Part 1, Chapter 752: Disciplinary and Adverse Actions, October 18, 1994.

<sup>45</sup> OEDCA, *Policies and Procedures*, (Change 2 (3/11/99)), Chapter XXIII and Appendix W.

<sup>46</sup> Memorandum dated 3/11/99 from the DAS for Human Resources Management to the Executive Secretary (Subj: Follow-up Procedures in Findings of Retaliation and Intentional Discrimination.)

Figure 80. Discipline Process



*\*In cases in which the Responsible Management Official occupies a position that is centralized, is a member of the “triad” at VA Medical Centers (VAMC) (Director, Associate Director, Chief of Staff), or the case involves egregious facts, the Decision Official makes a proposed determination of whether the conduct warrants discipline, and if so, proposes which action to take.*

Accordingly, facility management must administer discipline, and submit a follow-up report to Human Resources, within 60 days of receiving the Secretary’s memo. We addressed the issue of timeliness of discipline with our interviewees. Many interviewees were unaware of the average length of time between complaint resolution and disciplinary action. Others stated that the average length of time is within 30 days, or between 30 and 60 days. Among the interviewees who were able to provide a response other than “don’t know,” On-site EEO Program Managers were most likely to state shorter time frames, Facility Directors were most likely to state middle length time frames, and Human Resources staff were most likely to suggest longer time frames.

Figure 81. What is the average length of time between complaint resolution and disciplinary action?

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Facility Directors, Human Resources Staff, On-site EEO Program Managers, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>	
•	Don't know (26)
•	Within 30 days (14)
•	30-60 days (8)



*3.12.1.2 The impact of disciplinary measures on deterring future offenses may be limited by the fact that employees are not aware of the disciplinary measures imposed on others and by obstacles preventing effective discipline.*

The majority of interviewees (On-site EEO Program Managers, Human Resources staff, Facility Directors, ORM staff) reported that disciplinary actions serve to deter repeat offenses. Interviewees reported that disciplinary actions serve as deterrents by sending a message to employees that there are consequences for inappropriate behavior. However, this finding should be viewed cautiously. Although some interviewees were able to speculate about how disciplinary measures may impact the future behaviors of other employees, other interviewees had difficulty distinguishing between this secondary effect versus the impact the disciplinary measure has on the person who committed the EEO offense.

To further explore the impact that disciplinary measures may have on future offenses, we needed to assess what kind of information is disseminated to the workforce at large regarding disciplinary actions that have been imposed on those who have violated equal employment laws. Typically, only those parties who have a need to know are privy to what disciplinary measures are imposed in a particular case. Consistent with this, interviewees reported that information is not formally distributed since it is considered confidential; however, some acknowledged that information leaks out through the grapevine (see Figure 82). These findings suggest that employees’ knowledge about disciplinary measures imposed is limited to hearsay, at best. In comparison, our best practices study revealed that although best practices public sector organizations also do not currently publicize disciplinary actions taken, they are considering the value of providing information in a redacted form. In fact, one best practices public sector organization encourages its staff to sanitize and publicize cases in local newsletters because they consider the disclosure of the information “preventative and curative” to the organization.

**Figure 82. What kind of information is provided to the workforce at large throughout the facility regarding disciplinary actions that have been taken against those who have committed EEO offenses?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: Regional Officers, Facility Directors, Human Resources Staff, On-site EEO Program Managers, and ORM Headquarters Staff</b>
<ul style="list-style-type: none"> <li>• None – disciplinary actions are kept confidential (44)</li> <li>• No information is formally distributed; however, some gets out through the grapevine (17)</li> <li>• If there is a finding of discrimination, the facility must post an announcement on a bulletin board (8)</li> </ul>

OEDCA has started providing information about the rationale behind final agency decisions in its *OEDCA Digest*. While this document does not discuss the discipline imposed, it is a start in providing information about cases where discrimination has been found.

Some of the interviewed Facility Directors, On-site EEO Program Managers, and ORM Regional Officers acknowledged that facilities must post an announcement if there is a finding of discrimination. This response was common in our recent set of interviews (January–February 1999); however, no interviewees in the September–November 1998 interviews offered this response. This finding may indicate an increased awareness of the means in which information should be communicated and the consequences to the facility of non-compliance with EEO regulations.

As an additional means of exploring whether disciplinary measures can impact future offenses, we asked interviewees whether any obstacles impede the facility’s ability to enact discipline. Some interviewees stated that no obstacles prevent VA from effectively administering disciplinary actions, while others pointed to obstacles such as the timeliness of complaint resolution, and the Unions, among others (see Figure 83). Interviewees in the more recent set of interviews (January–February 1999) were far more likely than interviewees in the previous set of interviews (September–November 1998) to mention management’s fear of taking action, the difficulty in firing employees in the public sector, and the tendency to settle cases as obstacles.

**Figure 83. What obstacles, if any, prevent VA from effectively administering disciplinary actions?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees:</b>	<b>Regional Officers, Facility Directors, Human Resources Staff, On-site EEO Program Managers, Headquarters Staff, and ORM Office of Field Operations Staff</b>
	<ul style="list-style-type: none"> <li>• No obstacles exist (22)</li> <li>• Timeliness – takes too long until discipline can be applied (9)</li> <li>• The Unions – make disciplining employees difficult (9)</li> </ul>

*3.12.1.3 Although those who are more directly involved in the EEO process believe that discipline is applied consistently, non-supervisory and supervisory employees believe that discipline is not applied consistently.*

Consistent application of discipline is an important consideration if discipline is to have the intended side benefit of deterring future behaviors. The Table of Offenses and Penalties is intended to help maintain consistency; however, consideration is given to the specifics of the case, employee’s history, and other factors.

We evaluated perceptions of consistency in interviews and focus groups. Interviewees were asked to comment on whether they think disciplinary actions are applied consistently. Additionally, interviewees were asked whether *employees believe* disciplinary actions are applied consistently. Our interview data reveal that many interviewees involved in the EEO process believe that disciplinary actions are applied consistently (see Figure 84). Others believe that discipline is not applied consistently; discipline may differ depending on the offender’s level. When asked whether they think that employees believe that disciplinary

actions are applied consistently, many interviewees responded that employees think that discipline is not applied consistently (see Figure 85). There were no major differences in the responses of those interviewed in September–November 1998 and those interviewed in January–February 1999.

**Figure 84. Do you think disciplinary measures are applied consistently?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: On-site EEO Program Managers, Human Resources Staff, ORM Operations Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• Yes, applied consistently (25)</li> <li>• No, not applied consistently – discipline for employees and supervisors differs; favoritism exists (12)</li> <li>• Don't know (10)</li> </ul>

**Figure 85. Do employees think disciplinary measures are applied consistently?**

<b>COMMON THEMES FROM INTERVIEWS</b>
<b>Interviewees: On-site EEO Program Managers, Human Resources Staff, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>
<ul style="list-style-type: none"> <li>• No, employees do not think disciplinary measures are applied consistently – discipline for employees and supervisors differs; favoritism exists; the system is unjust; supervisors receive lighter discipline (21)</li> <li>• Yes, employees think disciplinary measures are applied consistently (6)</li> <li>• Don't know (4)</li> <li>• Depends on person's own experiences and their interpretations of experiences (4)</li> </ul>

The same question on whether discipline is consistently applied were posed to focus group participants. In this case, non-supervisory and supervisory employees were asked to comment on whether they think disciplinary actions are applied consistently. Additionally, supervisors were asked whether *non-supervisory employees believe* disciplinary actions are applied consistently. Our data indicate that the greatest number of participants do not think disciplinary measures are consistently applied (see Figure 86). Supervisory employees correctly predicted that non-supervisory employees would say that discipline is not consistently applied (see Figure 87).

**Figure 86. Do you think disciplinary measures are applied consistently?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>No, not applied consistently – discipline is more severe for non-supervisory employees than for supervisory employees; favoritism exists (11)</li> <li>Yes, applied consistently (4)</li> <li>Don't know (3)</li> </ul>	<ul style="list-style-type: none"> <li>No, not applied consistently – discipline is more severe for non-supervisory employees than for supervisory employees; discipline is more severe for supervisory employees than for senior management, favoritism exists (19)</li> <li>Yes, applied consistently (4)</li> </ul>

**Figure 87. Do employees think disciplinary measures are applied consistently?**

COMMON THEMES FROM FOCUS GROUPS
Supervisory Employees
<ul style="list-style-type: none"> <li>No, employees do not think disciplinary measures are consistently applied – discipline is more severe for non-supervisory employees than for supervisory employees; favoritism exists (26)</li> <li>Person who received the discipline probably doesn't think it is consistently applied (2)</li> </ul>

Although non-supervisory employees in the January–February 1999 focus groups responded similarly to the non-supervisory employees in the September–November 1998 focus groups, there were differences in the supervisory employees’ responses. Supervisory employees in the earlier focus groups were most apt to report that discipline is not consistently administered whereas supervisory employees in the more recent focus groups were split – approximately equal numbers reported that it is or is not consistently administered. This may be a promising trend; a greater number of supervisory employees perceive that discipline is consistently applied.

Booz·Allen also used the employee survey to evaluate perceptions of consistency of discipline. The results generally correspond with the results of our interview and focus group sessions. Specifically, more respondents than not stated that disciplinary actions are not applied consistently. Collectively, these data sources indicate significant perceptions of inconsistency among those employees who are not involved with the EEO process.

*3.12.1.4 Supervisory employees and those who are in some capacity involved in the EEO process believe that disciplinary measures are appropriate. However, non-supervisory employees are unsure or do not think that disciplinary measures are appropriate.*

In addition to consistency, the appropriateness of the disciplinary measure relative to the EEO offense is an important consideration if discipline is to have a secondary benefit as a deterrent to others. We evaluated perceptions of appropriateness in interviews and focus groups. Interviewees were asked to comment on whether they think disciplinary actions are appropriate relative to the EEO offense. Additionally, interviewees were asked whether *employees believe* disciplinary actions are appropriate. Our interview data reveal that most

interviewees agreed that disciplinary measures are appropriate, relative to the offense (see Figure 88). However, these same interviewees were mixed on whether employees perceive that disciplinary measures are appropriate (see Figure 89).

**Figure 88. Do you think disciplinary measures are appropriate relative to the offense?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Human Resources Staff, On-site EEO Program Managers, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>	
<ul style="list-style-type: none"> <li>• Yes, disciplinary measures are appropriate relative to the offense (31)</li> <li>• Don't know (7)</li> <li>• Too severe (2)</li> <li>• Too lax (2)</li> </ul>	

**Figure 89. Do employees think disciplinary measures are appropriate relative to the offense?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: Human Resources Staff, On-site EEO Program Managers, ORM Headquarters Staff, and ORM Office of Field Operations Staff</b>	
<ul style="list-style-type: none"> <li>• No, employees do not think disciplinary measures are appropriate relative to the offense – measures taken vary based on level/type of employee (10)</li> <li>• Yes, employees think disciplinary measures are appropriate relative to the offense (8)</li> <li>• Don't know (6)</li> </ul>	

The same questions were posed to focus group participants. In this case, non-supervisory and supervisory employees were asked to comment on whether they think disciplinary actions are appropriate relative to the EEO offense. Additionally, supervisors were asked whether *non-supervisory employees* believe disciplinary actions are appropriate. Our data indicate that many non-supervisory employees do not believe that disciplinary measures are appropriate relative to the EEO offense or do not know. In comparison, a number of supervisory employees indicated that disciplinary measures are appropriate (see Figure 90).

**Figure 90. Are disciplinary measures that are taken appropriate?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• No – discipline can be too harsh; discipline can be too lenient; it's difficult to fire VA employees (10)</li> <li>• Don't know – not typically aware of disciplinary actions taken (8)</li> <li>• Yes (3)</li> </ul>	<ul style="list-style-type: none"> <li>• Yes (10)</li> <li>• No – discipline can be too lenient; sometimes proposed discipline isn't imposed (6)</li> <li>• Depends – on the person's level; the case; the service; the RMO (5)</li> <li>• Don't know (5)</li> </ul>

### 3.12.2 Conclusions

*3.12.2.1 While VA has made strides in ensuring that discipline is applied appropriately, the effectiveness of VA disciplinary measures as deterrents is still limited. Limitations result from lack of accurate information, obstacles, and a disbelief that discipline is fairly administered.*

In requiring facilities to file follow-up reports describing disciplinary actions taken, VA has instituted stronger oversight of the discipline process. While facility managers still maintain responsibility for administering discipline, they are now being held accountable for their actions. The effectiveness of discipline as a deterrent, however, is still limited by various factors.

Our interview and focus group data suggest that the utility of disciplinary measures as deterrents is likely dependent upon how accurately information is conveyed to the workforce. If information is disseminated throughout the workforce, it is imperative for that information to be clearly conveyed from a credible source. Otherwise, employees may form misconceptions based on information gathered through the grapevine. Indeed, misinformation gathered through the grapevine may produce the opposite effect – employees may learn to not fear disciplinary measures. A fine balance must be made between maintaining the privacy of involved parties and providing enough generic information to the workforce at large to have a preventive impact on other potential incidents.

ORM and OEDCA have taken initial steps to communicate information about EEO complaints to the workforce at large. ORM's *Root Cause Report* and the *OEDCA Digest* are examples of these efforts. However, these efforts are designed to provide general information on the types of complaints processed through the system; little to no information is included on the types of disciplinary measures imposed.

Similarly, for discipline to be an effective deterrent, no obstacles should prevent the disciplinary process from functioning. Indeed, our Best Practices Study suggested that best practices organizations' efforts to administer discipline are free of obstacles. Our findings indicate that certain obstacles (e.g., lack of timeliness) prevent the disciplinary process from working as effectively as it could at VA.

Negative perceptions about the fair application of discipline also impact the effectiveness of the disciplinary process. Not all employees believe that discipline is consistently applied. Overall, our data suggest that non-supervisory and supervisory employees do not think discipline is consistently applied; however, our interviewees (who are in some capacity involved in the EEO process) do think discipline is consistently applied. This finding may reflect that, by virtue of their positions, the interviewees have greater knowledge about how discipline is applied.

Nor do all employees believe that discipline measures are appropriate relative to the offense. Overall, our interview and focus group data indicate that supervisory employees and those who are in some capacity involved in the EEO process believe that disciplinary

measures are appropriate. However, non-supervisory employees are unsure or do not think that disciplinary measures are appropriate. This difference may reflect the impact of knowledge on perceptions of appropriateness. That is, those who stated that discipline taken is appropriate may be those who have more accurate information on which to make this judgment. In comparison, general non-supervisory employees may be unable to judge whether disciplinary measures are appropriate relative to the offense because they are not typically privy to such information.

### **3.12.3 Recommendations**

#### *3.12.3.1 ORM should encourage VA facility management to take disciplinary action immediately after complaint resolution.*

If disciplinary action is to be viewed as a deterrent, it is imperative that employees understand the causal link between committing an EEO offense and receiving disciplinary action. Because of the time constraints on the entire complaint resolution process, VA is limited in terms of how quickly disciplinary action can be taken. However, every effort should be taken to administer discipline as quickly as possible (i.e., within 1-2 weeks) after complaint resolution. Exceptions may be needed in situations in which the complaint is being appealed.

#### *3.12.3.2 ORM and OEDCA should explore ways of tracking and communicating disciplinary measures taken in response to EEO offenses.*

Although ORM and OEDCA are not responsible for deciding and administering disciplinary measures, they could play a role in tracking and disseminating information on discipline. Our findings suggest that knowledge of disciplinary measures taken may act as a deterrent; however, a method for communicating this information needs to be devised. Care must be taken to achieve a balance between maintaining the privacy of the involved parties, yet disseminating sufficient information so that it serves as a deterrent.

One approach for collecting and disseminating redacted disciplinary information would be through the use of the follow-up discipline reports that facilities must submit to Human Resources. ORM and/or OEDCA could analyze and distribute (in a redacted and/or statistical form) this information. A potential vehicle for distribution is the *OEDCA Digest*, assuming that the disciplinary section is clearly delineated from the case discussion to ensure that readers do not attempt to make inappropriate linkages.

### 3.13 PERCEPTIONS OF THE EEO CLIMATE

Our data collection efforts included an assessment of the perceptions of the EEO climate of the organization. We felt it was important to explore these perceptions because the CRS is directly impacted by the degree to which discrimination and harassment persist or are perceived to persist in the environment. The CRS is also affected by the degree to which employees feel comfortable bringing forward EEO complaints into the CRS. We sought to identify how employees perceive their EEO environment, and what may underlie EEO complaints.

Booz·Allen collected data on this topic via documentation review, focus groups, and an employee survey. Data reported in this section are included in more detail in Appendix B (Questions 28–29). Additionally, where appropriate, we compare data obtained from various sources to determine whether our findings are consistent across data collection methods.

Perceptions of the frequency of discrimination and harassment at VA offer insight into the EEO climate at VA facilities. Clearly, employee perceptions impact ORM's efforts. Knowledge of perceived frequencies with which certain types of harassment and discrimination occur may help ORM anticipate the types of complaint that will be brought into the CRS. Furthermore, these perceptions may suggest areas in which increased preventative efforts need to be made. Over time, subsequent evaluations of perceptions in the facilities may help ORM gauge its success in helping to foster a workplace free from discrimination and harassment.

To assess employee perceptions, we asked focus group participants to provide their perspectives regarding the occurrence of sexual harassment, and gender, race, age, reverse, and disability discrimination. Findings on the perceptions of occurrence are presented below. We asked focus group participants to indicate their opinions by casting their votes, choosing from among the following response categories:

- Widespread – occurs throughout the facility
- Occurs – only in certain conditions or places
- Not at all – not evident from respondents' perspective
- No opinion.

The questions were phrased in terms of employees' perceptions of the occurrence of each type of harassment or discrimination at VA. Accordingly, the findings presented here reflect employee perceptions and not necessarily the true extent of discrimination and harassment at VA. Furthermore, interpretation of the response categories (above) is subjective. We do not mean to infer that harassment and discrimination are only problematic if they are perceived to be widespread; in fact, it is critical that VA enforce a zero tolerance environment.



In addition to inquiring about employees’ perceptions of the occurrence of discrimination and harassment, we also collected information from ORM and facility supervisors on the possible root causes of perceived discrimination and harassment. This information provides some insight into aspects of the environment that may trigger EEO complaints. Moreover, we collected information in focus groups on why employees suspect under-reporting of EEO complaints occurs. This information is useful in identifying obstacles in the EEO climate that may prevent reporting.

### 3.13.1 Findings

#### 3.13.1.1 *Non-supervisory employees in our focus groups perceive that sexual harassment, gender discrimination, and race discrimination occur at VA; most do not perceive the existence of reverse, disability, and age discrimination.*

Figure 91 displays the opinions of non-supervisory employees who participated in our focus groups on the occurrence of six types of discrimination and harassment at VA. These results indicate that the greatest number of non-supervisory employees who participated in our focus groups believe that sexual harassment, gender discrimination, and race discrimination occur, but only in certain conditions or places. Most participants do not perceive that reverse, disability, and age discrimination exist at VA. Although we are only highlighting the most common response, the fact that some employees do perceive that these types of discrimination exist should not be overlooked.

**Figure 91. Perceptions of Non-Supervisory Employees**

	Widespread	Occurs	Not at All	No opinion	Total
Sexual Harassment	9	<b>95*</b>	29	3	136**
Gender Discrimination	19	<b>76</b>	47	9	151
Race Discrimination	14	<b>81</b>	39	17	151
Reverse Discrimination	9	50	<b>76</b>	16	151
Disability Discrimination	2	43	<b>83</b>	20	148
Age Discrimination	2	49	<b>88</b>	12	151
<b>Total</b>	55	394	362	77	

Notes: *\*Bold italics represent the most common response per type of discrimination or harassment.*

*\*\*In two focus groups, sexual harassment was included in the gender discrimination definition and count, and was not counted as a separate category.*

#### 3.13.1.2 *Supervisory employees in our focus groups perceive that sexual harassment and gender discrimination occur at VA; most do not perceive the existence of race, reverse, disability, and age discrimination.*

Figure 92 displays the opinions of supervisory employees who participated in our focus groups on the occurrence of six types of discrimination and harassment at VA. These results indicate that the greatest number of supervisory employees who participated in our focus groups believe that sexual harassment and gender discrimination occur, but only in certain conditions or places. Most participants do not perceive that race, reverse, disability,

and age discrimination exist at VA. Here again, the fact that some employees do perceive that these types of discrimination exist should not be overlooked.

**Figure 92. Perceptions of Supervisory Employees**

	Widespread	Occurs	Not at All	No opinion	Total
Sexual Harassment	1	<b>121*</b>	23	13	158**
Gender Discrimination	7	<b>80</b>	65	16	168
Race Discrimination	2	56	<b>94</b>	16	168
Reverse Discrimination	2	49	<b>96</b>	22	169
Disability Discrimination	1	38	<b>112</b>	18	169
Age Discrimination	1	29	<b>126</b>	12	168
<b>Total</b>	14	373	516	97	

Notes: \* *Bold italics represent the most common response per type of discrimination or harassment.*

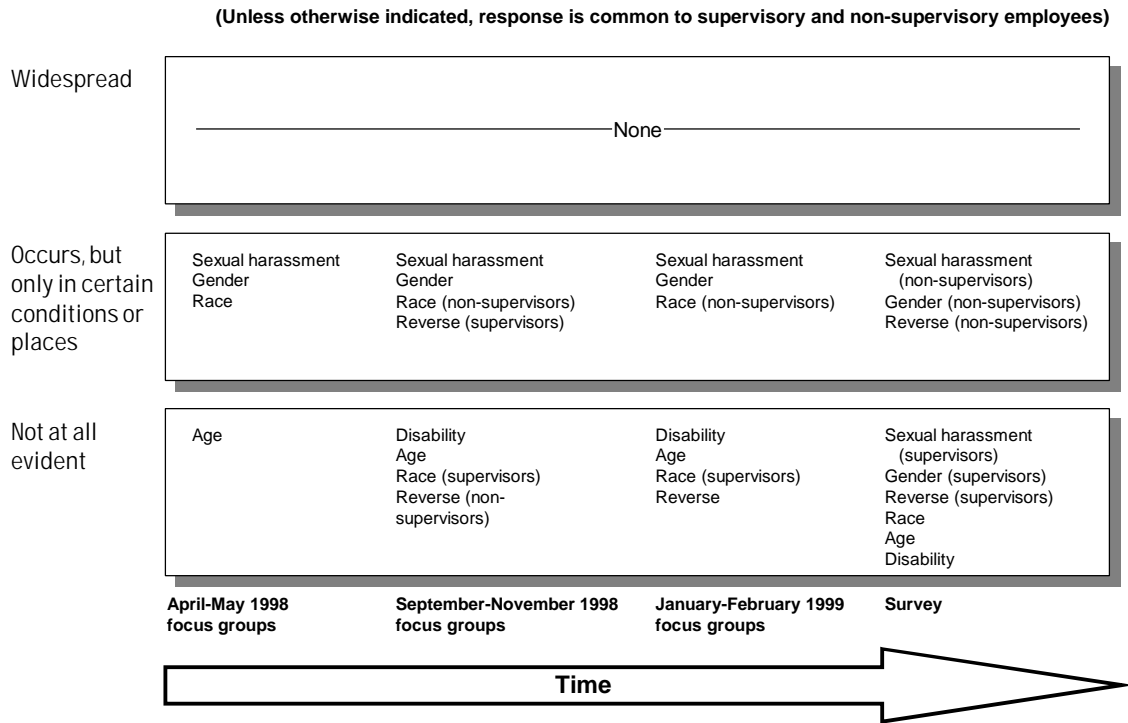
\*\* *In two focus groups, sexual harassment was included in the gender discrimination definition and count, and was not counted as a separate category.*

*3.13.1.3 When looking across data collection methods and time, no type of discrimination or harassment is perceived as widespread. Sexual harassment is the most frequently perceived type of harassment or discrimination that occurs at VA, followed by gender discrimination.*

The findings above result from data collected from the September–November 1998 and January–February 1999 focus groups. In addition, over the life of the project we have been able to collect data on perceptions of the occurrence of discrimination and harassment using both focus group and survey methodologies, and at different time intervals: data collected for the baseline, interim, survey, and final reports (spanning April 1998 to March 1999). Furthermore, we separately analyzed data collected from non-supervisory and supervisory employees. Accordingly, we can compare the findings reported above with those of previous data collection efforts, extending back to April 1998.

After reviewing these multiple data collection efforts, certain commonalities emerged. One, no type of discrimination or harassment is perceived as being “widespread” at VA. Two, sexual harassment and gender discrimination are generally perceived as “occurring, in certain conditions and places.” And three, age and disability discrimination were consistently reported as “not at all evident” at VA. The categories in which there were notable differences were race and reverse discrimination. Some differences emerged either over time, or between non-supervisory and supervisory employees. Figure 93 displays our findings across data collection efforts.

**Figure 93. Types of Harassment/Discrimination – Most Frequent Responses**



One notable difference between the findings from the September–November 1998 focus groups and the January–February 1999 focus groups is that supervisory employees in the former stated that reverse discrimination occurs, whereas supervisory employees in the latter stated that it does not exist. Otherwise, the similarities between these two data sets indicate that perceptions of discrimination and harassment at VA remained generally constant over the time interval between September–November 1998 and January–February 1999. These findings are also consistent with perceptions offered in focus groups in April–May 1998.

Two notable differences emerged when we compared the focus group data with our survey findings. One, supervisory employees who completed the survey do not perceive that sexual harassment and gender discrimination are evident in the VA environment. This contrasts with the perceptions of the supervisory employees in the focus groups. And two, non-supervisory employees who completed the survey perceive that reverse discrimination occurs to some degree. This also contrasts with the focus group findings.

*3.13.1.4 ORM's root cause analyses suggests lack of communication, unfamiliarity with policies, and lack of training are frequently the root causes underlying some EEO complaints. Similar root causes were also identified by supervisors in focus groups.*

In addition to collecting focus group and survey data on employees' perceptions of the occurrence of discrimination and harassment, we also assessed the EEO climate by gathering information on the perceived root causes of EEO complaints. We examined the information collected by ORM on root causes, and also asked supervisory employees in focus groups for their opinions.

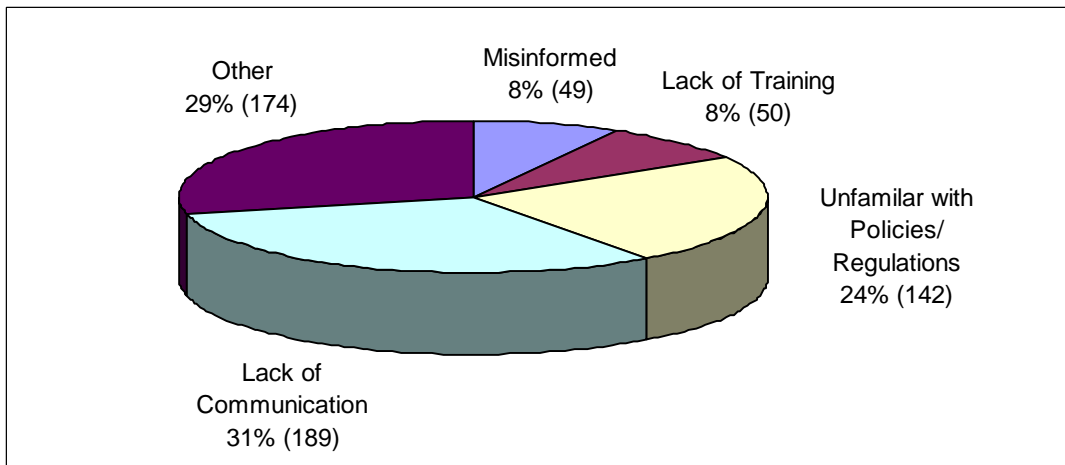
ORM has been collecting information on the potential root causes of some EEO complaints. Root cause analysis is not a reporting requirement to EEOC; rather, ORM initiated this effort as a means to identify areas to focus on to improve the EEO climate. Since ORM began this effort in June 1998, it has been working on improving the processes through which root cause information is collected, analyzed, and reported. In the near future, ORM will be distributing an Operating Memorandum that is designed to provide guidance to ORM Field Office staff on these matters.

Currently, Field Office staff hypothesize root causes of complaints that appear to be of a non-discriminatory nature. This information is then forwarded to ORM's Field Operations and tallied across Field Offices. For the purposes of database tracking and the *Root Cause Reports*, ORM has divided the identification of root causes into five categories:

- Lack of Communication
- Unfamiliarity with Policies/Regulations
- Lack of Training
- Misinformation
- Other (e.g., personality conflicts between management and employees).

Figure 94 presents a breakdown of the root causes reported by ORM Field Office staff for complaints between October 1, 1998 and December 31, 1998. As an example of root cause identification, if "lack of training" was identified as the root cause underlying a complaint, this means that allegations of discrimination or inappropriate behavior were due to a lack of training (in the professional judgment of an ORM Field Office staff member) among one or more of the involved parties to the complaint. As shown in Figure 94, lack of communication was cited as the most common root cause underlying complaints. This suggests that if management devises strategies to improve communication among employees, a substantial number of complaints would not be filed. Unfamiliarity with policies/regulations and other (primarily refers to personality conflicts between management and employees) were also viewed as major underlying root causes. These issues suggest the need for more training on topics such as selection procedures and communication styles.

**Figure 94. Breakdown of Root Causes Recorded by ORM**



Source: Root Cause Report, October–December, 1998

Note: The percentages have been rounded to the nearest whole number.

Aside from the root causes tracked by ORM, Booz·Allen also asked supervisory employees in the September–November 1998 and January–February 1999 focus groups about their opinions on the root causes of discrimination and harassment. The results are shown in Figure 95. Cultural differences and lack of education were most commonly cited by these supervisory employees as the root causes behind discrimination and harassment.

**Figure 95. Do you have any ideas about what the root causes of discrimination and harassment may be?**

COMMON THEMES FROM FOCUS GROUPS	
SUPERVISORY EMPLOYEES	
•	Cultural differences in background and upbringing are root causes (14)
•	Ignorance and lack of education are root causes (12)

**3.13.1.5** *Fear of reprisal is by far the most common explanation for the perception that some EEO incidents go unreported.*

When asked whether employees are reporting all cases of discrimination that occur, focus group participants were quick to respond that under-reporting is an issue. A number of non-supervisory and supervisory employees attribute under-reporting to a fear of reprisal (see Figure 96). Another common response is the concern that nothing will happen by reporting. While there were no major differences in non-supervisory employees’ responses from the September–November 1998 focus groups to the January–February 1999 focus groups, one difference was evident in the supervisory employees’ responses. Supervisory employees in the more recent focus groups were more likely than their counterparts in the previous focus groups to report that fear of reprisal is a reason why underreporting occurs.

The responses obtained in this study are similar to those obtained in the Baseline Study’s focus groups, as well as in the survey. Specifically, the employee survey showed that almost one-half of non-supervisory employees and one-third of supervisory employees responded they would be concerned with the possibility of retaliation for filing an EEO complaint. Consistently, fear of retaliation has emerged as the major explanation for why employees are fearful to use the CRS.

Focus group participants stated that sexual harassment is the type of discrimination or harassment that is most likely to go unreported. To combat the underreporting issue, participants suggested providing more information on complaint resolutions, increasing training, and increasing communication. Figure 96 displays their responses in more detail.

**Figure 96. In your opinion, are employees reporting all cases of discrimination that occur?**

<b>COMMON THEMES FROM FOCUS GROUPS</b>	
<b>Non-Supervisory Employees</b>	<b>Supervisory Employees</b>
<b>Types of incidents going unreported</b>	
Sexual harassment (6) Favoritism in hiring and promotion (3)	Sexual harassment (7) Racial discrimination (3)
<b>Why underreporting occurs</b>	
Fear of reprisal (18) Nothing will happen; complaint won't be taken seriously (11) Don't want to be ostracized or labeled as a troublemaker (7)	Fear of reprisal (16) Nothing will happen; complaint won't be taken seriously (7) Don't want to make waves (7)
<b>Suggestions to reduce underreporting</b>	
Demonstrate satisfactory resolutions – show that the system is timely; show that cases are appropriately handled; show that the system is working (4) Increase employee training on how to use the complaint resolution process (3) Management should increase communications with employees, interact more, listen to employees, hold town meetings (3)	Increase employee training on how to use the complaint resolution process and on what is acceptable and unacceptable behavior (4) Ensure confidentiality (3) Increase the timeliness of the process (2)

### 3.13.2 Conclusions

*3.13.2.1 The new CRS has not yet had an impact on fostering a workplace free of discrimination and harassment. However, ORM is taking steps that could ultimately result in a better EEO climate.*

Overall, perceptions on the occurrence of discrimination and harassment have not changed significantly over the past year. However, it is not unreasonable to find that the new CRS has yet to affect the EEO climate in VA facilities. Rather, affecting the EEO climate, by changing the actual and perceived rates of discrimination and harassment, can be seen as a long-term objective. ORM has had successes moving toward this goal, even if it is not yet reflected in a changed EEO climate. For example, as ORM continues to be diligent in its attempt to improve the relationships between ORM Field Offices and VA facilities, educate employees on what are and are not appropriate behaviors, and educate employees on what is and is not an EEO-related complaint, a better EEO climate may be an end result.

Similarly, fear of reprisal remains a concern of employees that has yet to be impacted by the new CRS. Employees believe that more information-sharing, training, and communication need to occur to ensure employees with concerns about discrimination and harassment that they can safely bring their complaints forward. As efforts are made to meet these needs, employees may gain confidence in the new CRS, and their fears may subside. Additionally, if ORM communicates disciplinary actions that result from retaliation cases, retaliation may diminish, and consequently, the fear of retaliation. By bringing retaliation into the forefront as an important issue, as OEDCA did in its Fall 1998 *OEDCA Digest*, awareness of the issue may be increased.

ORM's root cause analyses represent a good first effort toward ultimately improving the EEO climate. The review of root cause data is useful in determining areas to target to help reduce the levels of actual or perceived discrimination and harassment. Lack of communication, cultural differences, and lack of training emerged as underlying causes of EEO complaints that appear to be non-discriminatory. This suggests key areas in which improvement efforts can be focused. Presumably, efforts to increase communication, appreciate rather than disdain cultural differences, and provide additional training opportunities could lead to fewer EEO-related tensions in the workplace.

However, to recognize the full benefits of the root cause analyses, the process needs to be standardized and actions need to be taken (e.g., communication with facilities) based on the findings that emerge from the analyses. It is our understanding that ORM is already taking a step in this direction by developing an operations manual that will guide ORM staff as they conduct root cause analyses. This manual, which is currently in draft form, defines the five categories of root causes and outlines the analysis process. This allows for standardization so that ORM staff will use the same criteria when categorizing cases.

*3.13.2.2 The distinctly different perceptions of the EEO climate held by non-supervisory and supervisory employees need to be addressed.*

Some of our data collection efforts indicated that non-supervisory and supervisory employees perceive differently the EEO climate around them. We found that, in some

instances, non-supervisory employees perceive that discrimination and harassment occur more often than do supervisory employees. Although certain commonalities exist (e.g., sexual harassment emerged as the most problematic of the six types of harassment and discrimination posed to them), it is important to recognize the differences that emerged and the potential implications of these differences. They suggest that future training efforts should work toward creating a common frame of reference. From a common standpoint, it may be easier to work toward establishing and maintaining an environment free from discrimination and harassment.

### 3.13.3 Recommendations

*3.13.3.1 ORM should consider conducting a linkage analysis of employee perceptions against root cause reporting data. This will enable them to validate actual problems and trends and hone in on areas that need improvement/training.*

We suggest that ORM continue to track employee perceptions of discrimination and harassment in the workplace as a means of assessing the EEO climate. A linkage analysis can then be conducted with these data and the root cause data. [Linkage analysis refers to the process of validating the extent to which a set of data (in this case, employee perceptions of the prevalence of discrimination/harassment) is associated with another set of data (root causes identified by ORM staff) in order to gain a better understanding regarding the true nature of the issue at hand]. The results may allow ORM to validate problems and trends occurring in the facilities. Additionally, with valid information, ORM can identify areas for improvement and training needs.

*3.13.3.2 ORM should capitalize on the results of the Root Cause Reports and use them to drive efforts to improve VA's EEO environment.*

We believe that ORM's *Root Cause Reports* will prove to be a valuable tool for identifying the state of VA's EEO climate. For example, the results of our review of the root causes of non-discriminatory EEO complaints suggest tangible action items for ORM and VA to pursue in helping to stem the level of complaint activity. Since some of the primary root causes identified involve actionable issues such as communication and training, steps should be taken by VA in conjunction with ORM to ensure that they are addressed. Some of these steps may include:

- Local facility-wide town-hall meetings to discuss organizational issues, policies, and regulations.
- Additional/more frequent EEO-related training on discrimination and harassment.
- More frequent direct and open communication between employees and supervisors.
- The availability of policy materials and other relevant information through the use of handbooks, newsletters, postings, e-mail, the Internet, and other outlets.
- Accountability measures for supervisors/management regarding their communication with employees.



*Findings – EEO Climate*

- Opportunities to use cross-functional teams that meet regularly to improve communication throughout the organization and handle major organizational initiatives as they surface. Cross-functional team participants should include employees, supervisors and managers.
- Routine employee satisfaction and climate surveys to solicit feedback from employees and action planning to address the outcomes.

### 3.14 MANAGERIAL RESPONSES TO EEO COMPLAINTS

Whether employees choose to use the CRS may be impacted by their perceptions of managerial attitudes toward EEO issues. This includes employees' perceptions of how managers may respond when asked for guidance on an EEO matter, and the degree to which supervisors and senior management actively create and support a work environment that prohibits harassment and discrimination. Employees' previous experiences, as well as their perceptions of what others have experienced, will impact their confidence level in approaching supervisors and managers with an EEO concern. The type of reaction employees get from their supervisors and managers can then impact the likelihood of their using the CRS.

We explored these issues by asking interview and focus group questions about managerial responses. Data reported in this section are included in more detail in Appendix B (Questions 30–31) and Appendix C (Questions 159–161). Additionally, where appropriate, we compare data obtained from various sources to determine whether our findings are consistent across data collection methods.

#### 3.14.1 Findings

*3.14.1.1 Although VA advocates resolving complaints at the lowest possible level, facility management is concerned that they are unable to do so because of their removal from the CRS.*

Overall, interviewees were mixed on whether facility managers are able to resolve complaints at the lowest possible level (refer to Figure 97). Some interviewees indicated that facility managers are no longer able to address EEO complaints at the lowest level since they have been “out of the loop” since ORM’s inception, while others believe that ORM actively involves them in the complaint resolution process. These findings suggest that there may be some confusion about the role of facility staff in the complaint resolution process, particularly regarding whether facility staff can take actions up front to prevent issues from escalating. Resolving complaints at the lowest possible level is a goal of both facilities and ORM; however, the role of each party does not seem clear to facility managers.

One notable difference emerged when comparing the responses of interviewees interviewed in January–February 1999 compared to those interviewed in September–November 1998. Those in the more recently interviewed group were far more likely to state that ORM involves them in complaint resolution or that ADR is an option than were interviewees in the previously interviewed group.

**Figure 97. What efforts are made within this facility to resolve complaints at the lowest possible level?**

<b>COMMON THEMES FROM INTERVIEWS</b>	
<b>Interviewees: Facility Directors and On-site EEO Program Managers</b>	
<ul style="list-style-type: none"> <li>• Facility management is no longer involved in complaint resolution (14)</li> <li>• On-site EEO Program Managers and other facility staff are contacted by ORM to play an active role in complaint resolution (8)</li> <li>• Use or intend to use ADR/mediation to resolve issues locally at the facilities (5)</li> <li>• Actively try to resolve complaints as soon as they arise (5)</li> </ul>	

*3.14.1.2 Discrepancies exist in non-supervisory and supervisory employees’ perceptions about how effectively managers and supervisors respond when asked to intervene in an EEO issue.*

Non-supervisory employees and supervisory employees who participated in the focus groups had differing opinions about how managers and supervisors respond when an employee brings a complaint of discrimination or sexual harassment to their attention. The greatest number of non-supervisory employees believe that managers and supervisors take complaints seriously; however, a significant number also have concerns that there is a lot of individual variation in how well managers and supervisors respond or that they respond poorly (see Figure 98). In contrast, nearly all supervisory employees responded that managers and supervisors actively respond to complaints.

We also compared these responses to those obtained during the Baseline Study. At that time, non-supervisory employees who participated in the focus groups perceived more negative responses from managers and supervisors; they suggested that managers and supervisors deny, ignore, or avoid EEO issues. Supervisory employees who participated in the focus groups in the Baseline Study reported that they respond by discussing and investigating the issue, a response which is consistent with that of supervisory employees’ in the more recent set of focus groups. This suggests that while supervisory employees’ perceptions have remained constant, non-supervisory employees may be adopting a somewhat more positive outlook on how managers and supervisors respond.

**Figure 98. In your opinion, how do managers and supervisors respond when an employee brings a complaint of discrimination or sexual harassment to their attention?**

<b>COMMON THEMES FROM FOCUS GROUPS</b>	
<b>Non-Supervisory Employees</b>	<b>Supervisory Employees</b>
<ul style="list-style-type: none"> <li>• Take complaints seriously – try to resolve (18)</li> <li>• Depends on the supervisor/situation/degree of management support (10)</li> <li>• Respond poorly – don’t want to hear about problems (9)</li> </ul>	<ul style="list-style-type: none"> <li>• Take complaints seriously – try to resolve (26)</li> <li>• Proactively prevent EEO complaints – provide training, prohibit offensive joking, maintain “open door” policy (7)</li> <li>• Maintain confidentiality (6)</li> </ul>

When asked to characterize if managers and supervisors respond in more of a reactive or proactive manner, interviewees (all of whom were On-site EEO Program Managers) reported that supervisors are more reactive than proactive when dealing with EEO issues; however, there is a trend now for supervisors to be more proactive (see Figure 99). Most of the September–November 1998 interviewees, compared to only some of the January–February 1999 interviewees, reported that supervisors are more reactive. Interviewees in the recent group also suggested that some supervisors are more proactive or are starting to take a more proactive approach to EEO issues.

**Figure 99. Are supervisors more proactive or reactive when an employee seeks them out for support or advice on an EEO issue?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees:</b>	<b>On-site EEO Program Managers</b>
	<ul style="list-style-type: none"> <li>• Supervisors tend to be reactive in dealing with EEO issues (7)</li> <li>• Supervisors are becoming more proactive (3)</li> <li>• Depends on the supervisors – some are proactive, some are reactive (2)</li> </ul>

Discrepancies between non-supervisory and supervisory employee perceptions regarding the effectiveness of supervisors in dealing with EEO-related concerns were also found in the employee survey results. Specifically, supervisory employees were more likely than non-supervisory employees to report that supervisors exhibit appropriate behaviors in dealing with EEO-related concerns. Despite these results, and in accordance with data from focus groups and interviews, significant proportions of both non-supervisory and supervisory employees generally perceived supervisors to be effective in handling EEO-related concerns.

*3.14.1.3 Interviewees, survey participants, and focus group participants alike reported that senior management respects the importance of EEO issues.*

When asked how much importance senior management (e.g., Director, Associate Director, Chief of Staff) places on EEO issues, most interviewees (all of whom were On-site EEO Program Managers) reported that senior management views EEO issues as important and is active in addressing EEO issues (see Figure 100). In addition, almost half of the non-supervisory respondents and nearly three-quarters of the supervisory respondents in the employee survey indicated that senior management makes managing EEO issues a priority. Similarly, many focus group participants stated that senior management values managing EEO issues (see Figure 101). These non-supervisory and supervisory employees indicated that senior management shows their support by taking complaints seriously, communicating and maintaining visibility with employees, and role modeling appropriate behavior. Some focus group participants, though a smaller number, expressed concern that senior management is not supportive of EEO issues; they commented that senior management chooses not to play an active role.

**Figure 100. How much importance does senior management place on EEO issues?**

COMMON THEMES FROM INTERVIEWS	
<b>Interviewees: On-site EEO Program Managers</b>	
<ul style="list-style-type: none"> <li>• Senior management is supportive of EEO issues – take complaints seriously, makes EEO a high priority (14)</li> <li>• Senior management is not supportive – do not see it as part of their responsibilities (2)</li> </ul>	

**Figure 101. In your opinion, what importance does senior management (Director, Associate Director, Chief of Staff) place on managing EEO issues?**

COMMON THEMES FROM FOCUS GROUPS	
Non-Supervisory Employees	Supervisory Employees
<ul style="list-style-type: none"> <li>• Senior management sees managing EEO issues as important – seems concerned; takes seriously; attended ORM training; promotes an “open door” policy; does “walk throughs;” is very visible throughout the facility; holds town meetings; have communicated their concern through emails and training (11)</li> <li>• Senior management is not supportive – want lower level supervisors or EEO staff to deal with EEO issues; don’t interact enough with employees for them to see the support; not involved now that cases go to ORM (5)</li> <li>• Don’t know (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Senior management sees managing EEO issues as important – role models appropriate behavior; promote zero tolerance; it is reflected in their performance evaluations; takes complaints seriously; sets the tone in their words, actions, and deeds; make training mandatory (12)</li> <li>• Senior management is not supportive – wants lower level managers to deal with EEO issues; too far removed from what occurs in the facility; don’t want to know (2)</li> </ul>

### 3.14.2 Conclusions

*3.14.2.1 Most employees feel that senior management shows support for EEO issues; their concern about other managerial and supervisory levels inhibits resolution of EEO concerns at the lowest possible level.*

Based on our findings, it is evident that most employees feel that senior management sends the right messages about EEO issues; however, there is some concern about how supervisors and managers actually handle these issues on a day-to-day basis. While supervisory employees are confident that they are handling matters appropriately, some non-supervisory employees do not believe they do. This disconnect indicates that some employees may hesitate to discuss EEO issues with their direct supervisors and managers because of concern that the supervisor or manager will not handle the matter appropriately. The implication is that some employees are not comfortable within their own organizational units. This may impact the ability of facility staff to intervene in EEO matters and attempt to resolve them at the lowest possible level, thus impacting complaint filing rates with ORM.

### 3.14.3 Recommendations

#### 3.14.3.1 *VA needs to emphasize that supervisors are responsible for managing the work environment, including EEO issues and the EEO environment.*

Some employees are hesitant to discuss EEO issues with their managers and supervisors, and to solicit their help in resolving EEO matters. This situation could be remedied to some degree if VA emphasizes the importance of performance expectations related to EEO. Managers and supervisors need to respect this as a meaningful portion of their jobs. As managers and supervisors are increasingly judged on their ability to handle EEO issues, we expect that there will be increased confidence in their ability to intervene. This could lead to an increase in issues being handled at the lowest possible level, and consequently, fewer complaints entering the CRS.

#### 3.14.3.2 *VA, in conjunction with ORM, needs to provide more training for supervisors on how to deal appropriately with EEO issues.*

Based on our research, it is evident that some managers and supervisors do not know how to handle EEO issues, and/or are perceived as not handling them well. This suggests a training need; managers and supervisors need to learn the best ways to identify and handle EEO issues, with the appropriate consideration for not just the parties involved but also the potential impact on the entire workgroup. We envision this training as going beyond training on the procedural aspects of handling EEO issues. Additionally, the training should focus on communication issues, team-building, and other areas related to appropriately handling the “emotional” side of EEO issues. We suggest equipping managers and supervisors with the tools to be able to handle situations more effectively. ORM’s Learning Resources Officer could work with VA Training and Development staff to design a training program to be conducted with all managers and supervisors. We suggest including role plays in the training sessions so that managers and supervisors can practice using these skills in a controlled environment.

This training session may also prove to be a useful vehicle for teaching and conveying the importance of taking a preventative approach to EEO matters. Rather than reacting as incidents occur, VA needs to move toward a more preventative ideology. Preventative steps, such as training, education, and proper communication, can help to create an environment in which EEO issues are less likely to develop.