



ANNUAL EEO UPDATE



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USDA ARS/NPA
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Topics We Will Cover

- Refresher on the Federal EEO Complaints Process
- Overview of merit principles and open competition in merit promotion
- Recruitment and outreach, and
- Overcoming bias and stereotypes

Topic #1: Refresher on Federal EEO Complaints Procedures

- Definition of Employment Discrimination
- Understanding Workplace Harassment including gender stereotyping
- Informal Resolution Efforts
- Filing a Formal Complaint

Federal Discrimination Complaint Process In USDA

Who Can File A Complaint of Employment Discrimination?

- Any USDA employee or applicant for employment

On What Basis Can a Complaint Be Filed?

- Race, Color, Religion, Sex, National Origin, Age, Disability, Sexual Orientation, Genetic Information and **Reprisal**

Discrimination Complaint Process in USDA

What Issues Might Be Raised in an Employment Discrimination Complaint?

- Any employment or employment-related decision including non-selection, non-promotion, working conditions, failure to provide accommodation and **workplace harassment**

A Few Words about Workplace Harassment

- Illegal workplace harassment is *unwelcome* conduct or behavior so egregious or pervasive that creates a *hostile work environment and is related to a person's membership in a protected class*
- Secretary's civil rights policy statement now includes gender identity and gender expression in the protections against sexual harassment

Harassment in Gender Identity/Gender Expression

Punishing an employee for failure to conform to sex stereotypes is actionable sex discrimination under Title VII.

Harassment now includes ridiculing someone for not conforming to stereotypes of how men and women should act

Workplace Harassment

- Non-sexual harassment is the most frequently cited issue in EEO complains
- However, sexual harassment remains a critical problem
- Harassment affects productivity, relationships, organizational health and individual health
- Avoiding harassment is a responsibility for both supervisors and employees

Examples of Workplace Harassment

- Name calling
- Spreading unfounded rumors
- Snide, sarcastic or inappropriate humor
- Slurs – racial, ethnic, gender-based
- Using profane or obscene language
- Passing along offensive pictures, jokes, articles
- Pressuring a subordinate or co-worker for a date

Dealing with Workplace Harassment

Any person who believes he or she is being subjected to harassment should make it clear to the perpetrator that the behavior is *inappropriate and unwelcome*

If the behavior does not stop, report the person to your supervisor.

Dealing with Workplace Harassment continued

If the harasser is your supervisor, report the person to your second line supervisor. If the harassment continues or is not addressed, contact the Office of Outreach, Diversity, and Equal Opportunity Civil Rights Staff.

Remember: Harassment rarely goes away if ignored; it tends to get worse!!

The Informal Complaint Process

- All Federal employees and applicants must raise employment discrimination allegation informally
- Allegations must be raised to a designated agency EEO Counselor
- Must be brought to Counselor within 45 calendar days of the discriminatory action
- Counselor explains rights and responsibilities *and attempts resolution*

The Informal Complaint Process

How do I Find an EEO Counselor?

- Contact the Office of Outreach, Diversity and Equal Opportunity (ODEO) at (202) 720-3410 and ask to speak a Counselor
- Contact NPA ODEO Program Manager Barbara King, 970-492-7053 for referral to a Counselor or to discuss your issues/concerns

The Informal Complaint Process

How Does the EEO Counselor Attempt to Resolve the Complaint?

- First by acknowledging your concern/issue
- Then, by offering you a choice of resolution methods, such as Mediation
- If Counseling is selected, by working diligently to assist you in resolving the matter to your satisfaction
- Conducts a “limited inquiry”

The Informal Complaint Process

If you choose to attempt resolution through mediation...

- an informal process in which a neutral third party assists the opposing parties to reach a voluntary resolution of a charge of discrimination
- mediator does not resolve the charge or impose a decision on the parties
- mediation process is strictly confidential.

Value of Informal Resolution

- Resolution rather than adjudication
- Can save relationships between parties
- Reduces polarization within organization
- Reduces lost productivity and costs
- Can create better avenues of communication

The Formal Complaint Process

If the parties cannot agree on a resolution:

- The employee/applicant may file a formal complaint
- The agency will conduct an investigation into the accepted issues and bases
- The process may involve an administrative hearing conducted by EEOC
- The agency final decision may be appealed to US District Court

Topic #2: Overview of Merit Principles and Open Competition in Merit Promotion

- Merit System Principles #1 & 2 - Section 2301, Title 5, United States Code
- Prohibited Personnel Practice #10 - Section 2302, Title 5, United States Code
- Merit Promotion
- Importance of Job Interviews
- Recommendations for Selecting Officials

Merit System Principle 1

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

Merit System Principle 2

All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

Prohibited Personnel Practice 10

It is a Prohibited Personnel Practice to discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others.

Merit Principles in Action

Merit Promotion

- One of many ways for agencies to fill positions
- Begins with a determination of core competencies needed to perform the job
- Candidates are evaluated against these competencies and the “Best Qualified” are sent to the Selecting Official

Merit Principles in Action

Importance of Job Interview

- Interview is often part of the rating and ranking process and is mandated for some positions (See NPA Policy Memo 04-002)
- Interview is especially critical for appointment of external candidates because of the potential investment and consequences

Importance of Job Interviews

- Candidates often consider the job interview their opportunity to make their best case for selection
- **Not** conducting job interviews can impede future recruitment actions by creating an unfavorable impression of the agency among potential candidates via word of mouth

Job Interview Questions

- Make sure questions are legal and job-related (i.e., run them by Human Resources in advance)
- Ask all candidates the same questions in the same order
- Consider structured interview approach, which includes using detailed rating scales to evaluate candidates' responses.

Recommendations for Selecting Officials

- Be fair and consistent in making all hiring decisions
- Agency needs are paramount but are almost always compatible with employee desires
- Minimize impact of your biases and stereotypes
- Understand the process and your rights but don't hesitate to ask for help

**Topic #3:
Recruitment and Outreach**

- What is Diversity?
- The Business Case for Diversity
- External and Targeted Recruitment
- NPA statistics and specific problems in expanding workforce diversity

Defining Workforce Diversity

Soil Scientist Dr. Virginia Jin noted in the April 2012 edition of *Voices* some primary and secondary definitions of diversity:

Primary

- Age
- Race
- Gender
- Ethnicity
- Physical ability
- Sexual orientation

Secondary

- Education
- Work background
- Marital/Parental status
- Religious beliefs
- Income
- Military experience
- Geographic location

The Business Case for Diversity

NPA ODEO Program Manager Barbara King observed, in her April 2012 *Voices* article, that :

“The value of diversity...is the perspectives derived from our unique combinations of primary and secondary dimensions that each of us bring to our interactions.”

The Business Case for Diversity

Dr. Jin also made the business case for diversity in her April 2012 *Voices* article:

“When faced with a multifaceted problem (such as those in agricultural research), individuals with the richest network of collaborators who can provide diverse tools are the most successful at solving those problems.”

The Business Case for Diversity

Dr. Jin explained those problem-solving successes as follows:

“...greater diversity confers the best performing teams with the most tools and the most creative ways of combining them.”

“We’ve seen this increasingly in our own research fields through the formation of large, interdisciplinary teams that collaborate to address and solve difficult agricultural problems.”

The Business Case for Diversity

In the December '06 inaugural issue of Voices, Barbara King Identified three trends

- Women and people of color are making up a larger share of new entrants to the workforce
- Technology is driving many of the changes in what, where, and how work is performed
- For the first time in the American workplace there are four generations working side by side

**Another Facet of Diversity:
Four Generations at Work**

- Traditionalists (born between 1929 and 1945) – comprise 7% of NPA workforce
- Baby Boomers (born between 1946 and 1964) – comprise 64% of NPA workforce
- Generation X (born 1965 to 1979) – comprise 25% of NPA workforce
- Millennials (born after 1980) – comprise 4% of NPA workforce

**NPA statistics and specific problems
in expanding diversity**

Barbara King noted the following statistics in April 2012 issue of *Voices*:

- NPA workforce totaled 673 permanent employees in March, 8% down from 2011
- NPA workforce has continued to be about 91-92% white
- NPA is about 2/3rds male; underrepresented groups are at about 9%
- More than 80% of women are in grades GS-12 and below
- Fewer than 1% of NPA workforce has a targeted disability
- NPA turnover rate is very low – about 5% per year

NPA statistics and specific problems in expanding diversity

Problems/Issues

- Ms. King noted that local towns & communities have not been especially diverse, but 2010 census showed racial and ethnic diversity increasing in virtually all NPA locations.
- Another possible problem is the concept of “unconscious bias.” She noted that the foundation of unconscious bias is that people make decisions based on beliefs, attitudes, stereotypes, etc., that are automatic and unconscious.
- Theory: Most people are most comfortable with people who are like them and much of that comfort level is unconscious.

External and Targeted Recruitment

- Diversity includes veterans and disabled candidates
- Government policy is to be a “model” for employment of veterans and persons with disabilities
- Special authorities exist to provide flexibility in meeting that mandate

External and Targeted Recruitment

Methods for increasing diversity in applicant pool

- Advertise below full performance level
- Consider use of Upward Mobility
- Learn and use the new Pathways Programs
- Do targeted recruitment aimed at expanding the representation of underrepresented groups in candidate pools

External and Targeted Recruitment

- Based on the NPA statistics and issues noted by Ms. King, it is clear that the organization needs to reach beyond the same old recruitment processes and practices if it is to increase diversity.
- For example, the ARS has had a strong tendency to “hire the people we know,” particularly when it comes to relying on universities with which they are co-located, which is true of about half of their offices.
- Need to build and maintain relationships with other universities
- Evaluation panels need to include as many different viewpoints as possible when hiring.

**Topic #4:
Overcoming bias
& stereotypes
in science and research**

- The case for gender equality in science and research
- Unconscious gender bias – major Yale study
- Why sex stereotyping can be a form of sex discrimination
- What can we do?

The Case for Gender Equality

“...With the leadership of the White House Council on Women and Girls, my Administration is advancing gender equality by promoting workplace flexibility, striving to bring more women into math and science professions, and fighting for equal pay for equal work...”

Taken from Presidential Proclamation of Women’s History Month – March 1, 2012

The Case for Gender Equality

“...Women and girls across America are benefiting from efforts to promote Science, Technology, Engineering, and Math, (STEM) degrees and careers because women who hold STEM degrees and jobs earn 30% more, on average, than women in non-STEM jobs...”

Taken from *Keeping America’s Women Moving Forward*, a report from the White House Council on Women and Girls – April 2012

So What’s The Problem?

Hint: It May Be Unconscious

Stereotyping That Starts in School...

- Boys/young men presumed to gravitate toward “hard sciences”
- Girls/young women presumed to prefer “softer sciences”
- Teachers sometimes reinforce these generalizations by their own expectations and biases
- Gender non-conformity is seen as “odd”

Can Manifest in the Workplace

- In science, technology, engineering and mathematics (STEM) there is currently a strong industry examination of why women are not entering at the rate of other professions
- Moreover, Women of Color are significantly underrepresented in STEM education and employment

Some Possible Barriers

- Unconscious stereotyping from home through college
- Lack of mentors (women currently earn 41% of PhD’s in STEM disciplines but make up only 29% of tenure-track faculty in those fields)
- Lack of flexible workplaces
- Conscious and unconsciously-biased behavior creates disincentives for women in scientific and research careers

**Major Study on Unconscious Gender Bias
Published in Proceedings
of National Academy of Science (PNAS)**

- On September 24 2012, PNAS published a major study by Yale researcher on subtle gender bias on scientific occupations
- The Set-up: All professors received the same one page summary from a fictional recent graduate seeking a position as a laboratory manager
- In half of the resumes the mythical applicant was named John and in the other half the applicant was Jennifer

Unconscious Gender Bias study

Results: On a scale of 1-7 with 7 being highest, professors gave John an average score of 4.0 for competence and Jennifer an average score of 3.3. The average starting salary offered to Jennifer was \$26,508, the starting salary offered to John was \$30,328.

Female faculty members were just as likely as male colleagues to favor male students. Faculty members bias was independent of gender, scientific discipline, age, and tenure status.

**Unconscious Gender Bias Study
Conclusions**

- Bias is likely unintentional, generated from widespread cultural stereotypes.
- Dearth of women within academic science reflects a significant wasted opportunity to benefit from capabilities of our best potential scientists
- To the extent that faculty gender bias impedes women’s full participation in science, it may undercut not only academic meritocracy, but also the expansion of the scientific workforce needed for the next decade’s advancement of national competitiveness

What Can We Do?

Managers and Supervisors

- Consciously try to keep your biases and stereotypes out of your decision making
- Encourage and participate in targeted outreach and recruitment to create applicant pool diversity
- Give HR and EEO feedback on staffing and placement procedures which may be undermining diversity efforts

What Can We Do?

Managers and Supervisors

- Gain a reputation of being intolerant of inappropriate conduct in the workplace
- Be fair and consistent in your selection and placement and advancement decisions including selection criteria, use of rating panels, interviewing, performance evaluation, recognition and disciplining

What Can We Do?

Managers and Supervisors

- Encourage all of your employees to take advantage of ARS programs for self development
- Model the behavior you want to see in your staff
- Don't be afraid to ask for help!

What Can We Do?

Employees

- Consciously try to avoid manifesting gender bias
- Think before you make comments relating to sex stereotypes
- Don't allow stereotypes and assumptions to dissuade you from your career goals
- Report inappropriate behavior, including gender-bias actions, to your supervisor

What Can We Do?

Employees

- Encourage and participate in efforts to diversify applicant pools
- Prepare yourself for opportunities that will become available as ARS faces a difficult recruiting future – make it a point to find out all you can on this subject
- Act professionally at all times and expect no less from others

And Finally...

Don't reinforce stereotypes!!!

Questions???

For future training needs...

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Questions

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