

Introduction

Managers and supervisors are the key to the success of EEO in FEMA. They make virtually all of the decisions that directly impact on the success—or failure—of any EEO program. In Unit 1, you learned that managers must have a working knowledge of EEO laws in order to be successful in the area of EEO. They must also follow certain principles and strategies to prevent or minimize the occurrence of EEO problems.

In this unit, you will learn about:

- Proactive principles and strategies for preventing and minimizing EEO problems or potential problems in the field.



Being effective in the area of EEO does not require special or unique skills—it's simply good people management taken a step further. Following are several principles and strategies to prevent, minimize, or eliminate EEO problems:



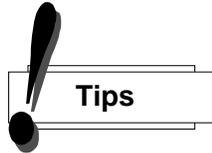
- 4 Base decisions and actions on job-related criteria.
- 4 Ask appropriate interview questions.
- 4 Consider EEO issues when staffing and downsizing a disaster operation.
- 4 Handle poor performance fairly and consistently.
- 4 Accommodate individuals with disabilities.
- 4 Foster a positive work environment.
- 4 Be aware of environments more at risk for discrimination and harassment.
- 4 Be sensitive to cues indicative of discrimination and harassment.
- 4 Respond to discrimination and harassment complaints.
- 4 Use your ERO as a resource.

Base Decisions and Actions on Job-Related Criteria

You may be wondering how as a supervisor you can be successful in the area of EEO. The answer is quite simple. All employment actions should be based on job-related criteria or qualifications. That is, your decisions—staffing, downsizing, or evaluating performance—should be based on the specific duties, responsibilities, and performance requirements of the job. In addition, any system or mechanism used to assist you with your decisions or actions must also be job-related. Some examples include job announcements, pre-selection tests, interview questions, job application forms, and performance appraisals.

Ask Appropriate Interview Questions

If you are responsible for interviewing local hires, remember that the interview questions must be fair and they must be job-related. The same questions must be asked of men and women, minorities and non-minorities, and must be used in the same manner when making hiring decisions. The Office of Human Resource Management (OHRM) or the administrative section in the DFO can provide you with assistance in this area. Following are five steps to follow when conducting interviews.



1. Write a list of specific qualifications or characteristics essential for performing the job successfully.
2. Prepare interview questions in advance and write them down.
3. Review each question and make sure it is tied to specific job-related criteria.
4. Ask identical questions of each interviewee. Remember that the interview is a selection test. Make it a fair and consistent one.
5. Keep notes about your thought process for selecting a candidate. The notes should detail how and why you reached your decision.



Activity

Activity: Which Interview Questions Are Illegal?

Purpose: The purpose of this activity is to identify interview questions that are illegal.

Instructions: Place a checkmark next to all interview questions that you consider to be illegal to ask.

- 1. Explain your duties in your last job.
- 2. What is your maiden name?
- 3. Do you plan to have children?
- 4. Why did you leave your last job?
- 5. How do you feel about traveling?
- 6. Do you think you'll need extra training on this job?
- 7. How do you think you will fit in around here?

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Answer

Answer Key: Which Interview Questions Are Illegal?

- Questions 2 and 3 are illegal.
- Question 7 could be interpreted as discriminatory.

Ask Appropriate Interview Questions (Continued)



Caution

Listed below are areas considered illegal and legal when interviewing:

Illegal Questions	Legal Questions
<ul style="list-style-type: none">▪ Age▪ Color▪ Marital status▪ National origin▪ Physical or mental disability▪ Race▪ Religion▪ Sex▪ Arrest record▪ Children/childcare▪ Birth control or family planning▪ Credit references or credit history▪ Height and weight▪ Transportation▪ Unwed motherhood▪ Citizenship	<ul style="list-style-type: none">▪ If an alien, Alien Registration Number▪ Authorization to work in the U.S.▪ Military work experience▪ Past work experience▪ Education▪ Reasons for leaving last job▪ Reasons for interest in this job▪ Objections to traveling

Consider EEO Issues When Staffing or Downsizing a Disaster Operation

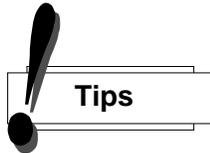


Tips

- When staffing a disaster operation, carefully review the requirements of positions under your supervision so you can develop a clear idea of the qualifications necessary to satisfactorily perform each job. Making these qualifications clear to potential applicants (and yourself) will help to avoid many of the problems supervisors encounter in filling vacancies.
- Think of the EEO implications of filling the jobs. Ask yourself if your workforce is balanced with men and women, minorities and non-minorities, Hispanics, Asians, or other groups appropriate for the geographic region you are in. Contact your Equal Rights Officer in the DFO (if there is no ERO) to assist you in this area. You can also contact ESF-5 (Information and Planning) for demographic information (not advice).
- When downsizing a disaster operation, give careful consideration to the EEO implications of releasing people. Ask yourself if your workforce reflects a diverse balance as you make downsizing decisions. When you release employees, explain why you are releasing them. If you cannot provide a good reason, then you should reconsider your decision because it may be based on improper criteria (i.e., bias).

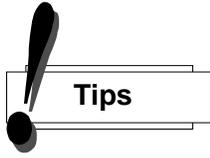
Handle Poor Performance Fairly and Consistently

When handling poor or problem performers, it is important that you answer the following questions with a “YES” before disciplining or releasing the employee. This will minimize the potential of an EEO complaint.



- Is the same performance required of all employees performing that job?
- Have all other employees with comparable performance levels been handled in the same manner?
- Have you communicated just what you expect the employee to do on the job?
- Is it reasonable to expect the employee to do this?
- Has there been unbiased, “objective” documentation of the situation/problem?
- Does the employee understand the possible consequences of continued behavior?
- Has he or she been given performance feedback and warnings with adequate time to change behavior? And, has this been documented?

Accommodate Individuals With Disabilities



Like all employers, FEMA is required to provide accommodation to qualified individuals with disabilities. Reasonable accommodation, which is discussed in more detail in Unit 7, is any modification or adjustment to a job or environment that enables a qualified individual with a disability to perform the essential functions of the job. For example, a reasonable accommodation can include installing wheelchair ramps, purchasing an extra-large computer monitor, or making changes to work schedules. Some general tips for working with individuals with disabilities include:

- Before making an offer of employment to a job applicant during an interview, you may not ask the applicant about the existence, nature, or severity of a disability unless the disability is obvious and it might impact performing the essential functions of the job. You may ask the applicant about his or her ability to perform essential job functions.
- You can ask an employee whether a reasonable accommodation is needed when an employee has not asked for one if the disability is obvious (e.g., blindness, confined to wheelchair) and if it may impact the essential functions of the job (e.g., sight and mobility are essential functions).
- Do not assume that an employee has a disability unless it is obvious or there is record of such disability. Some physical or mental difficulties such as motor coordination problems or dyslexia may not interfere with the individual's performance on the job.
- If an employee either tells you that she is disabled or is seeking an accommodation, discuss reasonable accommodation options available that would permit the employee to perform the essential functions of the job.
- The determination of what constitutes a "reasonable accommodation" is complex and decided on a case-by-case basis. You should therefore always contact the ERO for guidance.

Be Aware of Environments More at Risk for Discrimination and Harassment



Caution

Some work environments are at greater risk for discrimination and harassment than others are. The work environment you manage or supervise has a high potential for bias and discrimination if:

- It is composed of a distinct “majority” group and distinct “minority” group(s).
- It was formerly dominated by a particular group of individuals, but is currently in transition to a population of more diverse employees.
- It tolerates the use of offensive or biased language, racial or sexual epithets, and/or telling of racial or ethnic jokes.

Be Sensitive to Cues Indicative of Discrimination and Harassment

Many bias and discrimination incidents go unreported because the affected individual does not know how to handle the situation, fears the repercussions of confronting the offenders, or simply has decided not to report the situation. However, there are certain warning signs that can signal bias, discrimination, or harassment is occurring. Many of these warning signs can apply to a host of problems (e.g., stress), so a supervisor is wise to begin with asking questions, regardless of the cause. Some early warning signs include:



Warning Signs

- Changes in work habits such as decreased productivity, unusual absenteeism, or a decline in morale.
- Withdrawal from other members of the work environment or discomfort around an individual or a group of individuals.
- Conscious avoidance of an individual or individuals when going to lunch, taking a break, etc.
- Aggressive or antagonistic behavior.
- Rumors that hint at harassment or discrimination.
- Increased sensitivity or loss of any sense of humor.

Foster a Positive Work Environment

The best way supervisors can avoid or minimize the potential of EEO-related problems is by creating a work environment that is respectful and fair. The self-assessment on the next page will help you to assess how good you as a manager or supervisor are at fostering a positive work environment.



Self-Assess

Self-Assessment: Do I Foster a Positive Work Environment?

Purpose: To examine your effectiveness in creating a positive work environment that minimizes the likelihood of discrimination and harassment.

Instructions: The statements below reflect characteristics and behaviors of individuals who foster a positive work environment. Rate yourself on how you typically behave in each by responding to each item with a *Yes* or *No*.

1. I treat all employees with dignity and respect. Yes No
2. I indicate clearly, consistently, and frequently that discrimination and harassment will not be tolerated in the workplace. Yes No
3. I keep employees informed of their rights, support available, their Equal Rights Officer, the EEO complaint process, etc. Yes No
4. I create and maintain a positive and supportive work environment that promotes participation by all employees. Yes No
5. I assign work equitably so employees have the opportunity to grow professionally. Yes No
6. I carefully consider my words and actions to avoid offending anyone and to ensure sensitivity, impartiality, and fairness to others. Yes No
7. I seek to assign work so that diverse views are represented in decision making. Yes No
8. I identify, eliminate, and prevent discrimination and harassment. Yes No
9. I discipline those who create, foster, condone, or tolerate an intimidating, hostile, offensive, or abusive work environment. Yes No
10. I support Equal Rights Officers and EEO counselors in their efforts to resolve complaints of discrimination. Yes No

The more questions you answered with “No,” the greater the potential for EEO problems to occur.

Respond to Discrimination and Harassment Complaints

When an employee approaches a supervisor with a discrimination or harassment complaint, it is crucial that the supervisor respond swiftly and effectively. A job aid that contains guidelines to follow if an employee comes to you with a complaint is included at the end of this guide.

Use Your ERO as a Resource

FEMA deploys Equal Rights Officers to work in the DFO during disaster operations. These individuals have expertise in EEO and are available to provide support, advice, and guidance to managers and supervisors. Unit 3 reviews the role of the ERO more fully.

Summary and Transition



In this unit, you reviewed several strategies for preventing and minimizing the violation of employees' equal rights. In the next unit, you will learn about the role of the Equal Rights Officer (ERO) in the DFO, the EEO complaint process, and Alternative Dispute Resolution (ADR).

Before proceeding to the next unit, take a few minutes to complete the Knowledge Check on the next page.

**Check****Knowledge Check**

Carefully read each question and all of the possible answers before selecting the most appropriate response for each test item. Circle the letter corresponding to the answer you have chosen. Complete all the questions without looking at the course materials.

1. Which of the following interview questions is illegal?
 - a. How old are you?
 - b. What is your educational background?
 - c. Do you have military experience?
 - d. Why did you leave your last job?

2. When interviewing candidates for a specific job, you should ask the same questions of every interviewee.
 - a. True
 - b. False

3. Before disciplining or terminating an employee, a supervisor should not do the following:
 - a. Communicate his or her expectations of the employee.
 - b. Give the employee ample time to correct his/her performance.
 - c. Avoid documenting the employee's performance.
 - d. Talk to the ERO.

4. A work environment is at greater risk for discrimination and harassment when it:
 - a. Has a small number of people.
 - b. Tolerates biased language and racial jokes.
 - c. Provides EEO education to supervisors.
 - d. Has staff members deployed from different parts of the country.

5. Which of the following is not a characteristic or behavior of an individual who fosters a positive work environment?
 - a. Disciplining those who create, foster, condone, or tolerate an intimidating, hostile, or offensive work environment.
 - b. Transferring employees who are troublemakers.
 - c. Assigning work equitably.
 - d. Treating all employees with dignity and respect.

Turn to page B-2 for the correct answers.

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