



CNRJ REGIONAL HUMAN RESOURCES OFFICE (HRO) “SHINBUN”

From the Director’s Office

2015, Otsukaresama deshita!
2016, Shinnen omedetou gozaimasu.

The CNRJ regional HRO team had a strong final quarter (Oct-Dec) of 2015. Working together as a regional team, we lowered our average USCS time-to-hire cycle from 164 days to 144 days, a 12% improvement, providing us with a great start going into 2016, the year of the “Road to 99,” our plan to achieve a USCS time-to-hire cycle of 99 days, which would move us from next to last among the CNRJ regions to third place.

I am confident that with the talented personnel on our team, we will achieve this goal. We also promulgated a new Standard Operating Procedure that greatly streamlined the process for USCS personnel to get their TQSA claims processed with far less paperwork on their part.

2016 will also see us take the first steps toward fully automating the MLC hiring process, put more new Standard Operating Procedures into place for our Employee Relations team that will streamline their work processes, increase consistency of service for you throughout the region, and restructure our workforce development and training programs to be more efficient to provide you better training.



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All things considered, it is a very exciting time to be part of this regional HRO team. I want to be clear that our “Road to 99” is not just a numbers game – by reducing the time it takes to fill vacant USCS positions, we simultaneously decrease the amount of time that you, our customers, are unable to perform your operational missions at maximum effectiveness due to gapped billets and missing personnel. Helping you accomplish your missions by keeping you provided with well qualified, well trained, high performing employees is our only reason for existence as an HRO. The numbers are merely the tool we are using to measure our progress toward this goal – but they are a very effective tool. Looking forward to a great year of better serving you, our valued customers, in 2016!

Michael B. Chase
Regional Human Resources Director



SPOTLIGHT

Ms. Keiko Kaizawa
Human Resources Office
Yokosuka, Japan



Congratulations!

Keiko-san went above and beyond in her normal duties for 1st Qtr FY16. Due to the recent turn over in the LER Division Keiko-san stepped up to the challenge and into a leadership role providing expert advice, guidance and training to two new employees while simultaneous assuming an additional workload as the new employees didn't have access to all the systems needed.

Keiko-san was able to prioritize not just her workload but that of her fellow co-workers to ensure personnel still received their allowance's correctly and timely. Keiko-san exemplified the DON's core value of Commitment never giving up even when the workload was overwhelming ensuring mission accomplishment!

HRO HAIL AND FAREWELL

Welcome aboard...

Mr. Brock Logan
 - HRO Yokosuka

Ms. Chitose Saijo
 - HRO Yokosuka

Ms. Katsuko Suzuki
 - HRO Yokosuka

Ms. Serina E. Morton
 - HRO Yokosuka

Ms. Yumiko Shiratori-Rayner
 - HRO Yokosuka

Ms. Kazumi Hosoi
 - HRO Atsugi

Ms. Melissa Knepper
 - HRO Sasebo

Ms. Junelynn Rivera
 - HRO Okinawa

Fair Winds and Following Seas...

Ms. Carol Mickens
 - HRO Yokosuka

Ms. Vouionette Burns-Harris
 - HRO Yokosuka

Mr. Yoshihito Karita
 - HRO Atsugi

Ms. Sachiko Ota
 - HRO Sasebo

EEO COLUMN

Retaliation - Making it Personal –
How does that happen in the Equal
Employment Opportunity Program?

Hopefully, because of your knowledge and commitment to implementing the regulations in your office, however, in the past few years reprisal/retaliation has become the number one basis for complaints being filed with the Equal Employment Opportunity Commission (EEOC). Almost 50% of the federal sector cases in FY 13 were based on retaliation and retaliation has been the most frequently claimed basis since 2008, with 42% of findings of discrimination.

	Total Complaints Filed	% Complaints with Retaliation Allegation	% of Findings of Discrimination Based on Retaliation
FY 2009	16,947	44%	45%
FY 2010	17,583	44%	53%
FY 2011	16,974	44%	34%
FY 2012	15,837	47%	47%
FY 2013	15,226	48%	42%

How does EEOC define reprisal/retaliation?

Reprisal/retaliation is when an employer takes an action to fire, demote, harass or otherwise "retaliate" against an individual for filing a claim of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in the exercise of their rights or their encouragement of someone else's exercise of rights granted by the ADA.

EEOC states that retaliation occurs when an employer, employment agency, or labor organization takes an adverse action against a covered individual because s/he engaged in a protected activity. In the federal sector we often refer to them as an adverse action where you try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Some examples of adverse actions include:

- Employment actions such as termination, refusal to hire, or denial of promotion,
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and
- Any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.



Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history. Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

It is also important to understand that reprisal/retaliation is determined by "timing" when the action occurred. In order for someone to show an action may be discriminatory, they need only show that they opposed an unfair practice or filed an informal complaint or asked for an accommodation and then something adverse occurred to them that was unjustified. It is a much simpler proof to establish and that is why 42% of the cases have a finding of discrimination. It also doesn't matter if the original claim of discrimination fails to establish a violation of the law or unfair practice.

Why is this so common? Why does a situation move from an unproven/unsubstantiated claim to a violation based on the manager's response to the employee initiating a complaint? The simple answer is that individuals often seek to avenge a perceived offense. The desire to retaliate is a common human reaction, but when done by a management official because employees assert their right to challenge a perceived wrong, the retaliation can establish legal liability.

It is important to understand how retaliation manifests in a claim and how to prevent it from occurring. EEOC believes that if retaliation for such activities were permitted, it would have a chilling effect upon the willingness of individuals to speak out against employment discrimination or to participate in the EEOC's administrative process or other employment discrimination proceedings. Thus, EEO staff must work diligently with managers/supervisors to ensure that retaliation is not permitted in the workplace for it can potentially implicate a legal process. This is particularly apparent with retaliation law because the legal standard requires an examination of the behavior after the claim or action of the employee. The standard for proving a retaliation claim only requires a showing that the supervisor's action might deter a reasonable person from opposing discrimination or participating in the EEO complaint process.

Here are some examples that may provide an illustration of typical retaliatory behavior:

* In a recent case, an employee who had filed several unsuccessful EEO complaints, subsequently sought promotions within the organization. The employee learned that her manager had placed information about the previous EEO proceedings in her personnel file and communicated that the employee had filed several complaints when contacted for reference checks. The EEOC found that the statements made during the reference check were retaliatory and further that the EEO information placed in the employee's personnel file was unlawful and hindered her promotional opportunities.

*Similarly, another case involved an employee who claimed that she was discriminated against during the promotional interview process when two of the three interview panelists were individuals involved in her EEO complaints and attempted to influence the selection process by asking a question that paralleled a previous conflict between the panelist and the employee. A witness reported that he had heard the manager make the statement, "I don't get mad, I get even" in reference to employees who make discrimination claims. EEOC found that the selection process was tainted by retaliatory conduct and ordered the agency to promote the employee.

* In another example, EEOC found retaliation partly based on the fact that the employee was refused use of a government vehicle. In this case, the manager's reaction to the employee's EEO complaint was to take away use of the government car, while another coworker was allowed continued use of the vehicle. Since the manager had the discretion to allocate the use of the vehicle and other "perks," retaliation can be established if it is shown to be more likely than not that the discretionary decision was based upon a retaliatory motive.

Even absent suspicious timing, other relevant facts may include verbal or written statements; comparative evidence that a similarly situated employee was treated differently; falsity of the employer's proffered reason for the adverse action; or any other evidence which may infer retaliatory intent.

Many individuals when told that a discrimination complaint is filed often ask how can a person make a false claim like that without repercussions and it is not unusual to feel wrongly accused and emotionally harmed by the notice of a complaint. However, the laws passed by Congress gives every individual the right to file a complaint when they believe they are treated unfairly based on one of the protected classes. Researchers have also concluded that people seek to retaliate when they feel the workplace is not fair and that they cannot depend on formal channels for fair or just treatment. However, retaliation should not be the action of management or coworkers who become aware of an EEO complaint for the process does provide numerous opportunities for the individuals to provide information about the claim and often the claims are resolved when sufficient information is obtained. Your actions after a complaint is filed may not prove the original EEO complaint but actually allow for proof of a retaliation/reprisal claim.

If you are not sure what to do, contact your EEO Office or your Legal Office to discuss your concerns.



It may be difficult not to take an EEO allegation personally, but you should step back to consider the reactions in these situations. A negative change of behavior toward an employee after an EEO claim can be perceived as retaliatory and to prevent that everyone should take the following actions:

- Avoid publicly discussing the allegation;
- Do not share information about any EEO activity with other managers or coworkers;
- Be mindful not to isolate or change you behavior with the employee;
- Avoid reactive behavior such as denying the employee information/equipment/benefits provided to others performing similar duties;
- Do not interfere with the EEO process;
- Provide clear and accurate information to the EEO staff, EEO Investigator, or Judge; and
- Do not threaten the employee, witnesses or anyone else involved in the processing of a complaint.

It is also important for federal organizations to help the supervisor/manager/employee to understand the behaviors associated with retaliation by incorporating this information into organizational training. Often, individuals are not prepared for the inevitable conflicts associated with managing human relations within the work setting and preventive training efforts will assist in the reduction of both EEO and non-EEO (e.g., grievances and whistleblower) complaints.

It is part of the Navy EEO program to provide information to management at the outset of the complaint process and an opportunity to use alternative dispute resolution procedures to address the claim upfront and have the individuals sit down in a facilitated discussion with a trained mediator to attempt to resolve the claims as quickly as possible. Also in the ADR process the information that is discussed in mediation may not be used to file another claim or as information to establish a reprisal claim. In fact, ADR is the opposite that is shows the good will from both parties to sit down and attempt to resolve the claims up front. It is also no secret that the EEO complaint process can take years to render a decision and the complaint process can be a stressful and an emotional experience for both the employee and management. Notwithstanding this reality, all organizations should take proactive steps to diminish the likelihood of retaliation and understanding an EEO complaint is filed against an organization and not an individual. Your reaction to this process can make the difference in a finding of discrimination and not.



Halloween



Thanks Giving Party



HRO All Hands Meeting ~ Award Presentation ~



SRF Tour – JSCoP Conference



HRO PROGRAM AND SITE MANAGERS

Chief, Operations
US Staffing and Classification Division
243-9343

Chief, EEO Division
243-8163

Chief, Labor and Employee
Relations Division
243-5544

Chief, JN Employment and
Classification Division
243-8155

Chief, HR Information Systems Division
243-8191

Chief, Workforce Development Division
243-5342

Atsugi Satellite Manager
264-3422

Sasebo Satellite Manager
252-3661

Okinawa Satellite Manager
634-6224

HRO HELP DESK

If you have an inquiry, please email us at
HRO-Help@fe.navy.mil

