



## Region 10 Ombudsman's 2009 Annual Report

*Courage is what it takes to stand up and speak.  
Courage is also what it takes to sit down and listen.*  
*Winston Churchill*

### Annual Report

The objective of this report is to candidly inform the employees of EPA, Region 10 about my observations regarding the morale and functioning of the Region 10 workforce and provide suggestions for systemic change where needed. I present my observations and assumptions based on my perceptions. These observations and suggestions represent my opinion and are not necessarily the official position of the Agency or Region.

Since the establishment of the Ombudsman position in 2000, I have discussed with many of the Regional staff, during their unit meetings, the way this office works. I produce an annual report for this Region. In that report I try to connect the dots to provide my perspective of the Regional health. I provide professional mediation services to other federal agencies. I also provide impartial survey analysis for various Regional Programs. About 5% to 10% of the Regional employees seek counsel from this office.

I assume most people within the Region know that this office was created to be a fair and equitable place to discuss alternative forms of resolution for issues of

concern to any Region 10 employee. This office was also, in part, established to allow the Region to examine itself. To that extent, I may sometimes conduct inquiries or investigations and suggest modifications in policies or procedures. For further clarification please refer to the Regional Charter establishing this position found on my web page which can be accessed through the *Info* page. In all situations I adhere to a code of ethics which, among other attributes, insures confidentiality to the extent of the law.

## **I. Demographics**

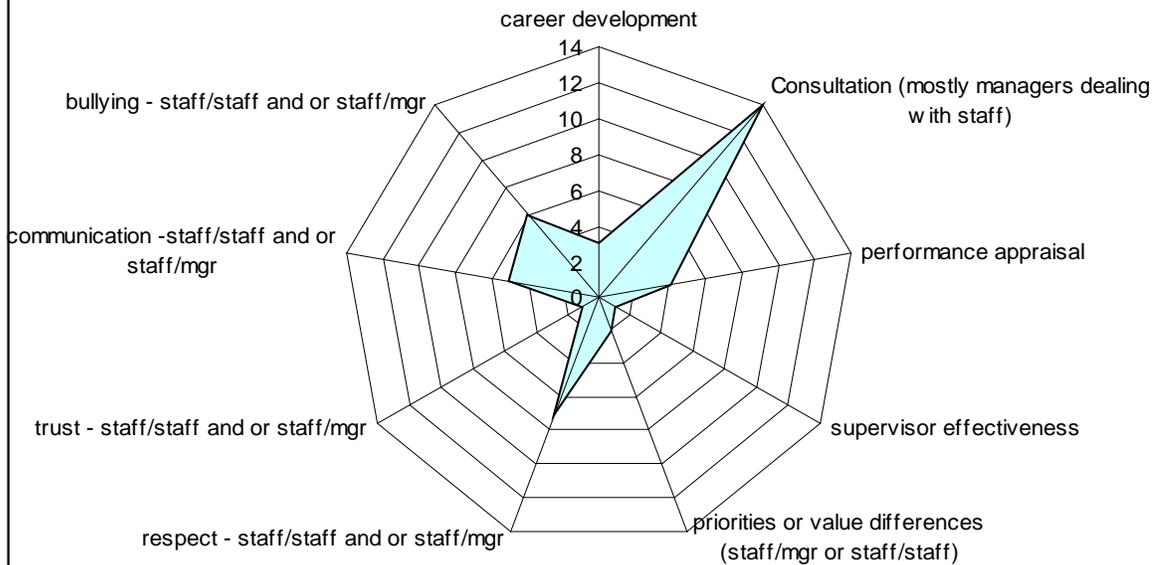
During calendar year 2009, I had a total of 40 cases representing 75 issues. This represents approximately 6% of the employees in the region and involved approximately 100 employees. A case is only counted the first time I visit with someone who has initiated the process, regardless of the number of visits thereafter or the number of people involved in the case.

The largest contingents of employees to visit this office have issues involving staff and management disagreements. The second largest group is peers in disagreement followed by people concerned about career development issues.

<b>Categorical Issues</b>	<b>No. of Inquiries</b>	<b>% of Total Inquiries</b>	<b>General Nature of Issues</b>
Management - employee relationship issues	33	45 %	Management guidance and consultation - trust, respect, values, staff & mgt mentoring and coaching
Peer and colleague relationships	14	19 %	Lack of respect and treatment, bullying
Organizational and mission related issues	6	8 %	Principles, decisions and actions related to where and how the organization is moving; micro-managing
Career development concerns	9	13 %	Selection for promotion or new position – heavy workload
Policies and procedural issues	6	9 %	Misunderstanding of behavioral guidelines
Safety and health concerns	5	7 %	Work related stress, mental health, medical monitoring
Service and administrative issues	2	3 %	Perceived unequal treatment
Compensation and benefits	0	0 %	
Legal and financial concerns	0	0 %	

The following “web” displays the human interaction (as apposed to singular personal concerns) this office saw in the Region this past year. While it’s not much different this past year from other years, it does indicate the relative patterns of concern among employees in dispute in this Region.

# Staff/manager and staff/staff relational issues presented to this office in 2009



## II. Systemic Issues

### II. 1 The Union's approach to dispute resolution: effective or not

While there are many methods to resolve conflict, the union, often times, seems more interested in taking an adversarial approach rather than a collaborative problem-solving approach.

According to the February 5, 2009 Government Executive magazine, the national American Federation of Government Employees (AFGE) president, John Gage, would like to instill a winner-take-all approach in negotiations. There may be a time and place for that type of negotiation but in Region 10 I would like to make a case for bargaining which encourages consensus and alternative solutions, based on principals common to all involved.

Some of the Region 10 union leadership seem to advocate this adversarial relationship between staff and management. In fact, in the past two years the local union has initiated eight unfair labor practices against the Region. The result of this winner take all process was that all eight were judged, by an independent arbiter, to be without merit. In contrast, some of the Region 10 union leadership has chosen to utilize consensus based bargaining. Many of the issues brought to the attention of the local union are dealt with through this problem solving technique rather than a more adversarial grievance or litigation approach. Those disputes with which this office has been involved have resulted in settlements or resolution without the time and cost-consuming litigation approach. The process chosen by the local union seems to be a function of the personalities involved.

I have observed the use of problem solving techniques by individuals within the union. I have also observed formal and informal mediation and the coordinated use of the ombudsman's office to resolve conflict within the Region. What I have not

seen is a concerted effort, by the union, to provide positive and constructive feedback to R10 management.

That element within the union which advocates a problem solving approach, as apposed to an adversarial “winner take all” approach, has an opportunity – perhaps obligation - for constructive feedback to management on behalf of the staff they represent.

I understand that management has proposed the establishment of a labor management council in Region 10. I propose that they meet on a regular basis. This council could engage in constructive feedback and could introduce alternative solutions, based on principals common to all involved.

Systematic use of conflict resolution practices needs to be conceptualized and implemented at the onset of intervention, not as an afterthought.

Some of the innovative concepts that a panel of trained negotiators/mediators might think about could be: The use of a supplemental environmental project instead of the usual disciplinary measures. Or the resolution of disputes by a jury of one’s peers selected randomly from staff and management. Or the union could sponsor an initiative that improves the daily working lives of the staff. It should be clear however, that a panel of this sort should not detract from management’s right to discipline or staff’s right to grieve.

Additional ways the union could assist the Region would be through the examination of some of the issues raised by staff, this past summer, when asked if they felt overworked. Those issues are illustrated in the following section of this report.

## **II. 2 Region 10 “overworked” survey**

When the question of the reasonableness of workload was posed to the Region 10 employees (648 people), 90 employees responded with their thoughts. This question was posed to Region 10 employees as a result of a relatively low score in this area on an OPM employee survey in 2008.

We may not be able to accomplish or even address each of the concerns. However, I think it is important to acknowledge that, when asked, the staff and management of this region demonstrated a flare for good ideas. The passion with which these responses were given should not go unnoticed. The following is a composite of those responses.

### **1. Missed opportunities**

“There are missed opportunities to save staff time, money, and carbon footprint by having greater capacity in the area of web technology (podcasts, blogs, GoToMeetings, etc.). Given that we have one of the largest innovators in PC technology in our backyard (and the UW programs that benefit from them) we should be *the* national leader in this area.”

Timekeeping is burdensome and inefficient, i.e. electronic episodic flexiplace forms, and maxiflex /people plus interconnectedness is lacking. “Then there’s the constant proliferation of additional programmatic systems (CERCLIS, ICIS, etc.). The agency needs to make an effort to integrate these systems”.

### **2. Administrative and Professional Assistance**

Professional staff and managers expressed a desire for more assistance with such things as reserving cars, meeting rooms, formatting, proofing, and mailing letters, filing and copying.

“We need someone to take care of the administrative duties such as permit coding, word processing, maintenance of permit shells, bean counting, form letters, etc.”

Could use more help from HR with USA Job questions and recruitment.

Could use more access to programs such as Google Earth without having to write a justification, or wade through ADA regulations to create a simple PDF document for the public.

“Hire intelligent, motivated support staff. That is probably a more cost effective way of reducing load than increasing staff counts.”

### 3. Disinvestment

Unit managers and professional staff would like to have more support from the ET on disinvestments. They would like to have Program Directors more involved in prioritizing and disinvesting in the work then backing up those decisions with Headquarters. “For every new requirement HQ identifies an existing requirement that’s no longer required.”

“We need to quit allowing people to continue to do their “favorite” work when there is necessary program work to do.”

### 4. Workforce

Former Unit Managers and others (nonsupervisory GS 14’s and 15’s) need to be doing cross program, complicated (technical and political) Regional priority work or drop back to a lower grade, allowing for upward movement for those who are motivated.

Unit managers could use more assistance from Associate Program Directors much like the old branch chiefs provided.

“The better you are at getting things done, the more work comes your way, until you start failing to get things done”. “Staff need to identify reasonable workload trade-offs, and not be enablers themselves, by taking on more than they can reasonably do”

#### 5. Communication

Staff and first line managers would like clarity regarding the priority of the following:

Needs of staff, needs of the Region, functioning of the Office, and National Issues; just what is the order of priority?

### **II. 3 Are Unit Managers being set up for failure?**

In 2002 the executive team commissioned a report examining Region 10 supervisor and manager competencies, workload, stress and expectations which became known as the Wong Report.

The following is an excerpt from that report’s general findings:

“In general, Unit Manager’s (UMs) felt that there was a significant level of stress in UM positions. However, the UMs also felt, almost uniformly, that the work of leading people was rewarding and challenging. Many cited this reason as their motivation for pursuing the position in the first place. Working with highly qualified staff, rewarding performance, and coaching and mentoring were

energizing activities for UMs. Managers who had opted out for various reasons consider it likely that they would return to a UM position in the future. In addition, many UMs mentioned that they would like to move to higher positions in management. This was usually to participate more fully in strategic planning type work and/or to reduce the amount of direct staff responsibilities.

Nearly all the UMs felt that there was too much to do within the day. The number and scope of responsibilities was sometimes unrealistic and forced many compromises. Often named as burdensome issues were the number of meetings, the lack of sufficient administrative support, the wealth of administrative exercises and tasks and the amount of time spent on personnel related tasks such as performance appraisals, timesheets and travel. In some instances, UMs felt they spent too much time on supervision of individuals and not enough time spent on managing the business of the unit.

UMs often felt that there was a greater need for UM involvement in the strategic planning and decision making in the Region. Many felt that the perspectives of the UMs were not taken into account in making regional policy decisions. UMs generally felt that they were not part of a greater “management team” within the Region. There was wide variation on the amount of support provided by Office Directors and Associate office Directors....

By far, the most stressful situation for UMs was when they were spending significant time on personnel issues related to non performing staff, conduct issues, leave abuse, etc. The highest level of frustration could be found in UMs who were in the midst of such issues or had directly experienced them. The support available to UMs in these cases was not always sufficient or even present.”

The Wong Report went on to recommend, among other things, that the Region should manage the size of units balancing criteria including the size of staff, number of program responsibilities and propensity towards highly complex issues, the number of placed based staff, experience of the UM and the staff.

In 2002 the Wong Report found some correlation between size of a unit and UM stress level. In 2002, the median size of each unit was 13, including SEEs. Today a count of staff in 37 units yields a median of 16, including SEEs. The smallest unit has 6 staff. The largest unit has 34 staff.

The added burden of more staff coupled with, for many, being responsible for several programs within a unit may, if it hasn't already happened, lead to UM burn-out or less competency and less effective leadership. The more the units grow the more likely unit managers are being set up for failure.

There will always be some degree of conflict in every large organization. Sometimes the conflict is resolvable and sometimes it's only manageable but a barometer of the health of an organization can be measured by the tension of disputants. I have observed over the last few years that many units have grown in size. This added burden on those UM's has lead to some tension. The barometer is rising.

To cope with the additional number of staff some unit managers and directors have taken a recommendation from the "Wong" report and created a "Team Leader" position. These Team Leads supervise the work of staff in their charge and contribute substantially to the evaluation of those staff. However, this results in a number of questions. Are we evolving back to a pre 1995 structure where unit managers and team leads are turning into Branch chiefs and Section chiefs? Is that a more harmonious place to be? Are Team Leads defacto managers? Are Team Leads in the bargaining unit? If team leads are defacto supervisors what are the

roles of management and the union when a Team Lead and another employee are in conflict?

On May 12, 2009 an “all supervisors” meeting was assembled to re-evaluate the Wong Report. The result of that meeting was a conformation that the organizational unit size is still an issue. A report from that meeting concluded “...the effort of addressing the difficulties of the Unit Manager remains a work-in-progress. Currently, a number of offices are considered for reduction or reallocation in accordance with updating of their position management plans. Further, administrative staff vacancies have been made an exception to the hiring freeze.”

## **II. 4 Emerging leadership**

In my 2007 and 2008 reports I recommended the creation of panels within programs to discuss how EPA has changed over the years in mission, funding and staff. This discussion would have been instructive for younger EPA staff and also acknowledge the older ones for their experience in building EPA to what it is today. These panels could have also discussed why EPA may have to experience more changes in the future, e.g. what environmental problems will require new approaches.

In August 2009 a meeting was held to see if sufficient interest existed to create an Emerging Leaders Network (ELN) here in Region 10. ELN is an informal yet self-organized network designed to create a more enjoyable and productive work environment here in Region 10, positively collaborate with existing employee programs, and support the national A Stronger EPA initiative. It is based on similar networks in existence in HQ and Region 9; other Regions developing ELNs are in R4, R6, and R8.

Some of the activities organized by this grassroots endeavor have included:

Informal discussions among anyone who cares to join in, about Region 10's future workforce needs, how different programs work, and tools available within those programs, succession planning, and leadership training. In mid October they organized a day hike in the local area. I have also personally observed gatherings of up to 8 to 10 newly hired people going out to lunch together. I have been involved in at least one after work “biweekly happy hour” organized by this group.

These are the kinds of esprit building activities this Region used to engage in 25 years ago. I personally think it’s healthy and I’m delighted that one of our newly hired employees, Justin Spenillo has taken the initiative to spearhead this informal program. Efforts like this will only improve morale.



Some of the opinions I have expressed in this report may be controversial to some but if I have incited anyone to action, encouraged collaboration or improved your knowledge, then I have fulfilled my mission.

Dennis Lazzar, Ombudsman

### **Your moment of Zen:**

“How is one to live a moral and compassionate existence when one is fully aware of the blood, the horror inherent in life, when one finds darkness not only in one's culture but within oneself? If there is a stage at which an individual life becomes truly adult, it must be when one grasps the irony in its unfolding and accepts responsibility for a life lived in the midst of such paradox. One must live in the middle of contradiction, because if all contradiction were eliminated at once life would collapse. There are simply no answers to

some of the great pressing questions. You continue to live them out, making your life a worthy expression of leaning into the light.” (From Arctic Dreams by Barry Lopez)

∞