

EQUAL EMPLOYMENT OPPORTUNITY SCENARIO

General Information

Arthur Johnson has been an employee of the Defense Supply Center (DSC) for the last 25 years. He is 51 years old. He has been working as a “buyer” in the widgets unit for at least the last twelve years. He probably knows more about widgets than anyone at DSC. He has been a satisfactory employee at DSC for his entire career. He works best independently, and often, is assigned unusual or unique one-time non-recurring buys related to specialized widget acquisitions. Indeed, Arthur is practically a one-person widget operation, requiring only his team leader/contracting officer to sign his work.

During the last several years, DSC has been going through several reorganizations. A few factors have been driving the reorganizations. First, due to a BRAC decision, part of the operation at DSC was being scheduled for closure, creating several, potential acquisition personnel over-strengths. The BRAC decision did not directly impact widget acquisition personnel. Second, due to continual down sizing efforts throughout DOD, and to promote cost efficiency, DSC was moving toward adopting more commercial practices, and away from straight, fixed price, single item procurements in accordance with defined customer requirements. Finally, to be responsive to these pressures, and do more with less, DSC was restructuring itself into multi-functional acquisition personnel and teams, with broad-based commodity responsibilities.

Pursuant to a reorganization in January 1999, DSC issued its job opportunity announcement 99-01 (JOA 99-01) for selection of the 4 acquisition specialist chiefs, each a team leader of several combined commodity acquisition groupings. Arthur applied and was rated highly qualified for these positions. Of the 40 applicants, twenty candidates were referred to the selecting official, including Arthur Johnson. No interviews were conducted. This official set up a panel to review the application packages, and make recommendations for selection. The panel made 4 recommendations, all of which were accepted by the selecting official. Arthur was not among the selectees.

Shortly after the selections were announced, Arthur could not believe he was not among the selectees. He went to the EEO Office complaining that he had been the victim of age discrimination. A review of the selectees’ applications revealed the following about the candidates:

- Selectee 1: Female, age 35, 8 years at DSC, Masters degree in Business Administration.
- Selectee 2: Male, age 29, 4 years inventory specialist at DSC, 3 years as Fortune 500 firm buyer, at time of selection was working for one of the panel members.
- Selectee 3: Female, age 41, 15 years at DSC, 2 years supervisory experience, although some acquisition experience, most in the cost and pricing area.
- Selectee 4: Male, age 35, 10 years buying experience, numerous performance awards.

The EEO specialist recommended mediation of Arthur’s pre-complaint under the RESOLVE (**R**each **E**quitable **S**OLutions **V**oluntarily and **E**asily) program. She

explained, among other things, that RESOLVE is designed to provide both employees and managers an excellent opportunity to pursue legitimate disputes in a reasonable and non-threatening manner, through use of a third party, neutral mediator. She suggested that Arthur should prepare by writing down many different settlement options for resolution of this matter.

Special Information for Arthur Johnson:

Arthur is fed up with the changes that have been happening at DSC. He knows widgets better than anyone and really does not want to learn new ways of buying or new commodities. He would retire tomorrow, but he is too young. He cannot afford to take the 8% cut in his retirement annuity that would result in his retirement system if he took an early out and retired today. He believes that he has far more experience than the selected candidates, and that his years of experience and trouble-free background have earned him this promotion. He wants to be promoted so he can make his "high three" jump substantially. However, in exchange for withdrawing his complaint, Arthur thinks DSC should just waive his annuity reduction, and let him retire tomorrow. He acts surprised to hear that this is beyond the scope of relief in the mediation. He seems to have no backup plan for other possible remedies, other than a non-competitive promotion, but still is interested in what he can get from management to settle the matter. Arthur worked for the selecting official several years ago as a buyer. Before that, Arthur was a management analyst.

Special Information for Selecting Official, Francis Black:

Francis Black is a career Government employee, who started as a GS-4 clerk and competitively worked her way up to Acquisition Unit Deputy Chief, GS-14. When she was a GS -12 contracting officer, Arthur worked under her as a buyer. He did his job well enough, but was never outstanding. He was reliable and worked well independently. Francis had little to do with the selections. She did choose the panel members, and reviewed written justifications prepared by the panel, explaining the rationale for their recommendations. She knew most of the individuals on the selection register, concurred with the rationale laid out for her, and made the selections.

Francis feels bad for Arthur. She believes he is just buying time until he can retire, and that he will not go the extra mile or volunteer for challenging projects when they are available. She says that there will be no more promotions to acquisition specialist chiefs in the foreseeable future. In caucus, she confides that she really thinks he falls at the very bottom of the list, and would never be selected for a team leader position because he isn't a team player. She also believes that this is his last chance to find an opportunity to shine or he will just stay where exactly where he is, or worse, with the next reorganization coming. She would like to see him accept a lateral back to a management analyst position, where his skills may be more valuable, and he may still have an opportunity for a competitive promotion. She is also willing to consider training opportunities in the acquisition field, and/or a special detail where he would be required to team with other buyers to do market research and develop a commercial method of buying specified commodities.