

This material is part of a collection that documents the harassment, discrimination, and retaliation perpetrated against Alaska's women research scientists by their supervisor, with full knowledge (and arguably, "tacit approval") of their federal employer, the USDA Agricultural Research Service (ARS)

From: _____
Subject: Re: Zero Tolerance
Date: July 27, 2008 8:57:41 AM GMT-08:00
To: ckbower@cmug.com

hmmm, interesting! do they really say they have zero tolerance for discrimination? because we've got him for sure/ no denying it on some things. notably, acting RLship.

i sure hope you are right about tomorrows meeting.

are you getting any work done? because i'm not. and i should be starting to panic, but i think i'm so tapped out that i'm not.

On Sun, Jul 27, 2008 at 7:48 AM, CK B <ckbower@cmug.com> wrote:
Hey, (NPRs off the air, so I'm filling my Sunday morning with something else),

First of all, I think our immediate problems are over. The first agenda item for Monday's staff meeting is: Recent PWA and HQ visits. AP's obvious answer will be that they were looking for the "best" and so he was tapped for a new, very important high level job, effective immediately, (followed by another swan song concerning how he'll miss "some" of us...) Our EEO complaints will go chugging along, but the environment will feel safer because he'll be gone.

I was looking through OPM's Workplace Violence Guide for Agency Planners, (interesting, but not my point in this missive today). They were discussing written policy statements (not required) and how to word them (carefully), in terms of the legal ramifications behind them. That's when "Zero Tolerance" came up. Apparently, that's a legally dangerous phrase to use, which got me thinking that it applies to Civil Rights as well.

Be cautious with "Zero Tolerance"

Consider that there could be negative consequences from using the term "zero tolerance." It could create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of the term could make it more difficult to defend a case on appeal because a third party could conclude, however mistakenly and inappropriately, that the agency has not considered a penalty appropriate for the particular offense.

There are other possible consequences. The term "zero tolerance" might appear to eliminate any flexibility an agency has in dealing with difficult situations even if this is not intended.

Of course, they made sure to describe a way to have some wiggle room for the Agency:
Instead of saying Zero Tolerance, they suggest *"...the agency will not tolerate violent or disruptive behavior..."* and *"... all reports of incidents will be taken seriously and dealt with appropriately."*

Anyway, legally speaking, I think we've got them on all those grievance responses where they claimed that they had a zero tolerance policy on discrimination and therefore it wasn't happening. Apparently that kind of weak argument only stands up in the minds of men, not in court...
