

If a federal employee has questions about government resources available to a contractor, Kaufman suggested the employee contact the Contracting Officer's Representative (COR) for that contract.

## Personal service situations

It is illegal to receive personal services from a contractor, according to Kaufman. "Personal services are any activity that makes contractor personnel appear to be government employees," said Kaufman.

To avoid personal service situations, Kaufman suggested that federal employees refrain from supervising contractors, do not enroll contractors in training classes not included in the contract, and use only the COR to give direction to the contractor.

"Supervisors don't supervise and direct the work of contracted employees," said Hoover. "The work is being managed through the contract, not through the supervisor in that division."

## Providing non-public information to contractors

"As government employees, we must protect sensitive government information," said Kaufman.

Before disclosing non-public information to a contracted employee, Hoover and Kaufman suggested asking the following questions:

- Do I have the legal right to provide the information?
- Do I need permission to provide the information?
- Is the information within the scope of the contract?
- Is there a need for the contractor to know this information?

"If you answer 'no' to one or more of these questions, don't disclose the data," said Kaufman. "When in doubt, contact the COR or ethics advisor for guidance."

## Time off for office events

According to Hoover and Kaufman, because contractors' duty time is determined by the terms of the contract, the same rules that apply to federal employees may not apply to contractors.

For events like office lunches or picnics when all employees are invited and share equally in the cost of the event, the

participation of contractors must be voluntary and not on duty time, according to Kaufman.

Hoover and Kaufman suggested that federal employees become aware of whether the people they are working with are federal employees or contractors in order to avoid improper situations. "Take a glance at the badge they're wearing and know who you're dealing with," said Hoover. Contracted employees will be identified as contractors on their badges.

Additional information about the proper interaction between federal and contracted employees is available on the General Counsel and Acquisition pages of the DDC Intranet.

In an effort to keep employees informed, DDC headquarters began holding monthly Lunch & Learn sessions in April 2005. Presentations from each session are available on the DDC Intranet.

## DDC Mediation Program is a win-win for all

*By Lori Spiegel, DDC Command Affairs*

"Using mediation to resolve EEO [Equal Employment Opportunity] complaints will save time and money, improve morale, and establish good working relationships between employees and supervisors," said Defense Distribution Center (DDC) EEO Manager Ernesto Lopez.

Mediation allows parties to resolve conflicts with the assistance of a neutral third party called a mediator. The mediator addresses the issues, disputes, and concerns in employment discrimination complaints and assists both parties to find their own solutions.

"The mediation program is strictly voluntary," said Lopez, "but it is highly encouraged for employee discrimination complaints."

If an employee wishes to mediate a dispute, he or she should contact an EEO pre-complaint counselor (listed below) who will then coordinate the mediation and work closely with the DDC EEO Manager.

After the EEO Manager makes the decision to accept the issues as appropriate for mediation,

the mediation will be confirmed to the employee in writing and a session will be scheduled with the employee, management officials, and the mediator.

The goal of mediation is to identify the issues, explore settlement solutions, and preserve or mend the working relationship. The mediation process begins with the mediator and the parties sitting together in one room.

The mediator explains how the process works and answers questions. Each person then explains his or her perspective of the conflict with the mediator taking notes, which are destroyed at the end of the mediation. Afterward, the mediator may meet privately with each party to continue discussing the problem in confidence and work toward finding resolution.

"If a settlement is reached, a memorandum of the agreement is written and signed by all parties," said Lopez. "Once this agreement is approved, it is binding on all the parties involved."

If both parties do not reach an agreement, the case proceeds to a final interview, after which the employee may continue to the formal complaint stage for investigation by an independent fact finder.

"Mediation resolves disputes quickly, improves relationships and communication, promotes understanding between management and employees, and is less costly than long-term litigation," said Lopez. "It is a win-win for all who are involved in the process."

Use of mediation to resolve EEO complaints for DDC employees was implemented by the Defense Logistics Agency in 1997.

For additional information on mediation, visit the EEO website on the DDC Intranet: <https://ddcnet.ddc.dla.mil.commandstaff/eo> or contact the DDC EEO office at 717-770-4128 (DSN 771).

### Mediation Contacts

DDC, DDSP, DDTP: Jim Campbell,  
(717) 770-8130 (DSN 771)

DDJC: Richard Maldonado,  
(209) 832-4014 (DSN 462)

All other sites: Counter Technology,  
Inc., 1-800-783-4284, TDD (301)  
907-7534, email: ctieeo@aol.com