Strengthen Employee Relations Through Strong Workforce Case Management

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Introduction

In an ideal world, workplace disputes wouldn't happen. Employees and managers would get along swimmingly and part ways amicably. And while that is often the case, it's not always the case. That's why workforce case management is a crucial element of agency/employee relations.

Robust workforce case management ensures transparency and accountability from the time a complaint is filed to its resolution. This is especially important in the area of diversity, equity, inclusion and accessibility (DEIA) because a rise in robust DEIA-related initiatives is increasing demand on workforce case management systems.

For instance, the State Department's Office of Civil Rights processed 169 new formal complaints of discrimination, an increase from the previous two years. Additionally, the fiscal year 2022 Office of Personnel Management (OPM) Federal Employee Viewpoint Survey found that 69% of respondents reported positive perceptions of agency DEIA practices, but that still leaves almost a third of workers who didn't.

A greater focus on DEIA is driving the uptick. In 2021, the Biden administration made it a priority for federal agencies by issuing the Executive Order (EO) on Diversity, Equity, Inclusion and Accessibility in the Federal Workforce. Calling for the creation of a governmentwide DEIA plan and agency-specific strategic plans, the order gives workers a clearer path than they had before to lodge complaints.

To effectively manage and process complaints in compliance with regulations, agencies need technology. We developed this playbook in collaboration with Tyler Technologies, a leading provider of integrated software and technology services to the public sector, to help you learn why workforce case management is important for employees and agencies alike and how to identify what tech can help.

Need to Know

In addition to calling for DEIA plans, the EO also requires a system for agencies to report regularly on their progress with those plans and the use of a data-driven approach to monitoring DEIA. Understandably, the order set off a flurry of action at federal agencies.

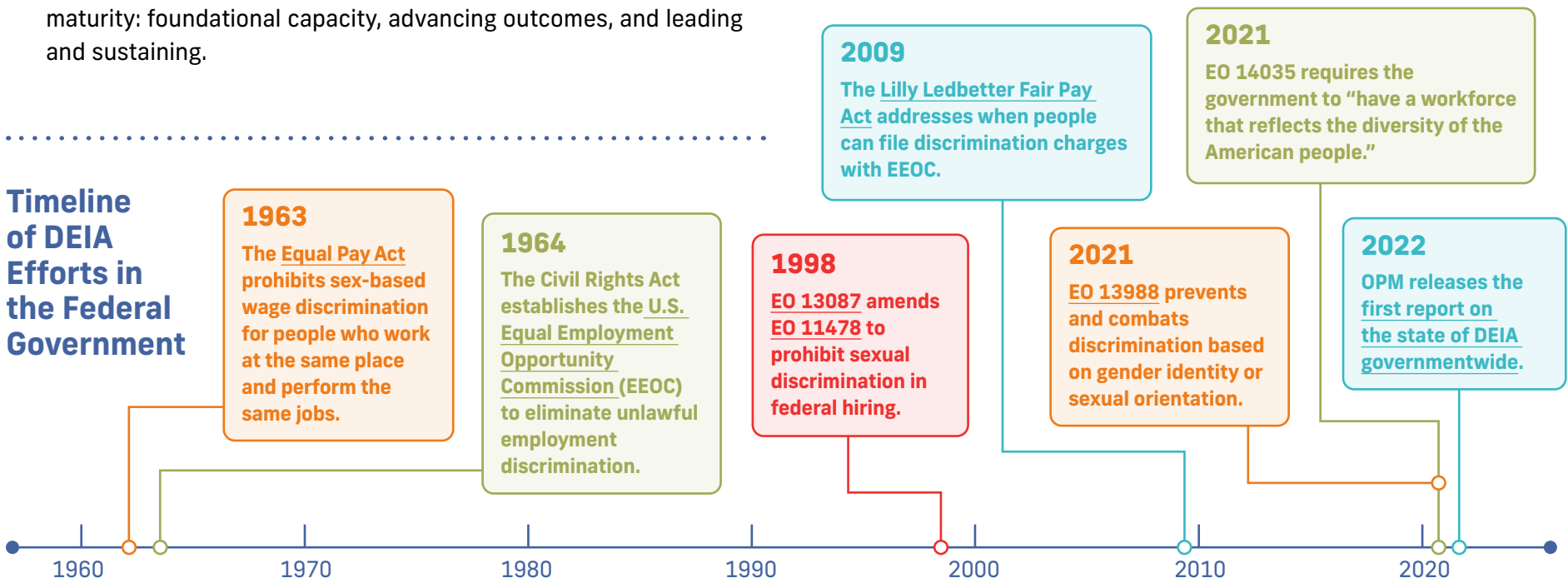**Here's what some are doing to meet the EO requirements:**

→ OPM is developing a **Diversity, Equity, Inclusion and Accessibility Dashboard** to provide demographic information, trends and analysis of the federal workforce.

→ In fiscal year 2022, the Cybersecurity and Infrastructure Security Agency conducted its first **survey on DEIA in the workplace**, capturing demographic data about the agency that was previously unavailable. The survey will go out every six months so that CISA can measure its progress on DEIA.

→ The Defense Department is using a **maturity model as a tool to assess DEIA efforts' effectiveness**, ranking against three levels of maturity: foundational capacity, advancing outcomes, and leading and sustaining.

Key Capabilities of Workforce Case Management

Workforce case management systems go a long way toward helping agencies manage the growing number of DEIA-related cases being filed, but not all solutions are equally effective. These are the six capabilities that workforce case management technology must have:

1. **Receive complaints through an online portal to protect anonymity**
2. **Manage complaints using business rules and workflows**
3. **Upload important documents and files to a case record**
4. **Track timelines, due dates and service levels**
5. **Capture data from multiple sources**
6. **Generate standard reports and real-time dashboards**

Timeline of DEIA Efforts in the Federal Government

2009

The Lilly Ledbetter Fair Pay Act addresses when people can file discrimination charges with EEOC.

2021

EO 14035 requires the government to "have a workforce that reflects the diversity of the American people."

1963

The Equal Pay Act prohibits sex-based wage discrimination for people who work at the same place and perform the same jobs.

1964

The Civil Rights Act establishes the U.S. Equal Employment Opportunity Commission (EEOC) to eliminate unlawful employment discrimination.

1998

EO 13087 amends EO 11478 to prohibit sexual discrimination in federal hiring.

2021

EO 13988 prevents and combats discrimination based on gender identity or sexual orientation.

2022

OPM releases the first report on the state of DEIA governmentwide.

1960   1970   1980   1990   2000   2010   2020

6 Pillars of Workforce Case Management

Any time compliance with federal regulations is involved, managing, tracking and reporting on it can get tricky — fast. That's proven especially true since the 2021 EO on DEIA spurred a bevy of new requirements — and cases — at agencies.

The EO calls out data as the driver for making decisions — and measuring whether they are working. A case management system ensures that you're tracking the right data, filling in all the required fields and meeting federal and agency compliance requirements. With these metrics, officials can see if there is a specific office, department or program that has more issues than others.

"It cuts out some of that work because the more important thing they need to focus on in these areas is action," said Victoria Cash, Senior Product Manager at Tyler. "If you have to spend all your time doing pivot tables or analyzing your own data, that's time that can be better spent on being proactive."

Here are six pillars of workforce case management that can help agencies excel with DEIA.

1

Equal employment opportunities

What it is: Equal employment opportunity (EEO) laws date to 1972, when Congress passed the EEO Act to prohibit specific types of job discrimination in the workplace, but they're constantly evolving, making it tough for agencies to keep up with compliance and reporting.

What effective case management looks like: Getting a government job starts with every applicant having an equal opportunity to be hired. When someone feels that has not happened, they can file a complaint, which spurs investigations, questioning and, ultimately, decision-making.

It's important to address these complaints respectfully, judiciously, fairly and expeditiously. To do that, EEO case management should include functions that improve the process for agencies and complainants alike. These include:

→ Role-based dashboards that let agency staff manage their workloads

→ Built-in business rules to ensure compliance with Equal Employment Opportunity Commission requirements and directives

→ A secure portal where complainants can electronically submit information, respond to agency inquiries and track their case status

→ Search capabilities that allow for quick access to and sharing of data

→ Automated alerts that are tied to key events in the complaint process

"When you're hiring within an organization, if you're not diverse, then you're going to have some challenges, because there are people from all kinds of backgrounds that provide great insights," said Dale Bird, Director of Workforce Case Management Customer Success at Tyler. Ask yourself, he said: How do we hire and implement programs to get those individuals to work for our agency?

2

Civil Rights

What it is: Civil rights protect employees from discrimination based on race, color, nationality, disability status, sex, religion, familial status or loss of other constitutional rights. For employers, cases in this category may involve hiring, firing, promotion (or lack thereof), harassment, training, wages or benefits.

What effective case management looks like: With such a wide range of caseloads, agencies need a solution that lets them manage cases from filing to resolution. They should look for technology that allows them to create, track and report on all the data elements and processes associated with the case and a solution that's customizable based on their specific regulatory and business requirements.

Additionally, because files could contain a variety of data (e.g., emails, faxes and video and audio recordings), most being of a sensitive nature, the solution must be able to handle all those data types and be secure. Other capabilities to look for:

→ Pre-complaint submission, or a request for an investigation into a problem

→ Formal complaint processing and reporting

→ Creation of summary reports

→ Options for filing appeals to the EEOC or even a federal court

"If you're training people and you're putting forth the effort in these programs, then hopefully, you're starting to see a decrease or a decline in the number of incidents that are raised," Bird said.

Resonable Accommodation

What it is: Title I of the Americans with Disabilities Act defines reasonable accommodation as "adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities." These apply from the application process through all aspects of employment. Additionally, the Pregnant Workers Fairness Act, passed in December 2022, requires agencies to provide reasonable accommodations to "known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an 'undue hardship.'"

What effective case management looks like: Accommodations run the gamut. They could include providing a sign language interpreter for a deaf applicant during a job interview, time off for a chronically ill employee to get regular treatments or allowing a service animal on premises. It's worth noting that not all disabilities are obvious to everyone. Like EEO and civil rights case management, the best approach to a complex issue is a solution that simplifies it. Must-have features include:

→ Automated workflows

→ Tracking of accommodation request, medical documentation review and decision — and then tracking of the procurement and implementation of accommodations, where approved

→ Role-based dashboards that let case managers open unassigned and closed cases

→ Report building, including the ability to create a template and save reports in multiple formats, such as Microsoft Word or Excel

"If you're not properly accommodating, it might also rise to the occasion of filing an EEO complaint, so many of these things really tie together," Bird said. "If each of your programs is functioning properly, your numbers for reported incidents go down."

Anti-Harassment

What it is: Workplace harassment comes in many forms, but the EEOC defines it as unwelcome conduct based on race, color, religion, sex (including sexual orientation, gender identity or pregnancy), national origin, older age (beginning at age 40), disability or genetic information that becomes unlawful if it is a condition of continued employment or creates a work environment that a reasonable person would find intimidating, hostile or abusive.

What effective case management looks like: As with the other categories of DEIA, anti-harassment case management must prioritize organization of cases and reporting. To do that, managers need technology that can:

→ Receive complaints through a secure web portal that protects anonymity

→ Manage complaints confidentially using set business processes and workflows

→ Incorporate uploaded documents and files

→ Alert to timelines and deadlines

→ Generate reports that show number of cases and outcomes

"As soon as you make a program available and it's easier for employees to file a complaint, you are going to see an influx in intake because now you have a program properly implemented allowing them to do so and track it," Bird said.
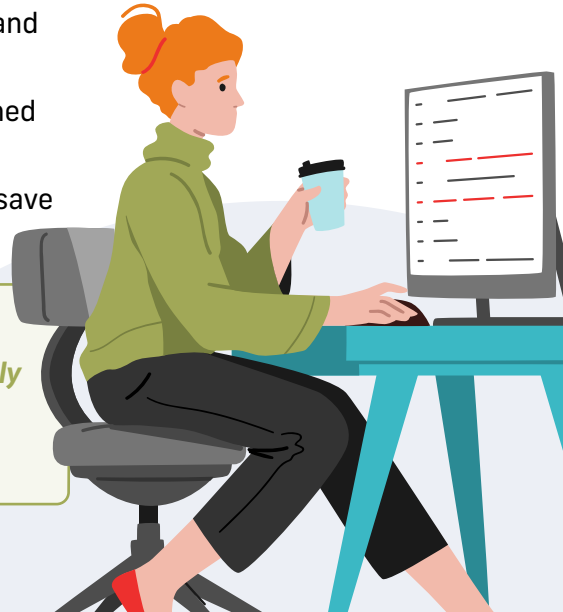
Alternative Dispute Resolution

What it is: Simply put, this is a way of settling disputes without litigation. Instead, it could involve, say, mediation or arbitration.

What effective case management looks like: Alternative dispute resolution (ADR) is a more informal and flexible approach to settling a disagreement. Still, it requires the same careful attention to detail, input and retention of records, and tracking and reporting that other forms demand. As a result, the best elements of a solution for handling ADR are:

→ Real-time and historical tracking

→ Analytics

→ Interoperability with other case management systems

→ Visibility for all parties into the entire process

→ Reporting on aggregate ADR efforts, including time spent, associated costs, number of successful outcomes and number of pending disputes

"The alternative dispute resolution program can be integrated into many of these [DEIA case] areas," Bird said.

Labor and Employee Relations

What it is: Labor relations is the way that employees as collective bargaining units, their representatives and agency managers work to resolve concerns about working conditions, while employee relations is about the relationship between an employer and its employees.

What effective case management looks like: Labor relations programs must connect employees, managers and labor unions, which represent more than half of federal jobs, with the same data and information to keep everyone on the same page.

A similar approach is also necessary for managing cases related to employee relations, which facilitate employee/employer dynamics. For instance, at OPM, employee relations guide all federal agencies on statutes, laws and regulations for taking conduct- and performance-based actions.

When disagreements arise, agencies need a system that:

→ Has preconfigured processes for arbitration, negotiation, representation and appeals

→ Includes document management, an access module and analytics

→ Can create reports at the caseworker, office, district and enterprise levels on data points such as claims, disciplinary actions and appeals

"Look at performance challenges. If your harassment or EEO programs are not in proper alignment, you may start to see employees' performance decline," Bird said. "From there, you'll start to see an uptick in performance improvement plans through labor relations."

Tracking and Trends:
How a DoD Agency Plans to Improve Harassment Case Management

The Defense Threat Reduction Agency's (DTRA) Anti-Harassment Program (AHP) provides managers with policies and procedures for addressing employee allegations of harassment in the workplace. The Anti-Harassment Program is separate from EEO processes as required by EEOC. An employee can utilize both processes if the harassment is based on discrimination or retaliation.

Willisa Donald, who was the Director of the Equity, Diversity, and Inclusion Office at DTRA until July 28, 2023, said the number of harassment cases filed by employees has grown significantly since the pandemic. Here's what she had to say about managing them.

This interview has been lightly edited for clarity and length.

GovLoop: What's driving the increase in harassment cases?

Willisa Donald: I think there's several reasons for the escalation of harassment cases over the past few years. During COVID we all had to learn how to communicate in a virtual environment and oftentimes information may have been misconstrued or all the facts may not have been presented in an email. Also, individuals were unable to see one another's facial expressions, hear the tone, or see body language, so speculation and different perspectives also caused some misunderstandings. Then there are just plain ol' personality conflicts as well.

In addition, COVID initially also caused a lot of mental and physical hysteria, so this was another fact that may have escalated issues in the virtual workplace. It was a difficult adjustment and people were not always able to be their authentic selves and tell you how they may have really been feeling!

Then post-COVID, individuals are returning to work and now we are in another adjustment era. Employees are back on the road and fighting traffic and maybe maneuvering their schedule for a babysitter and all the other things that make it difficult to return to work. All these dynamics may escalate issues. Then you have the differences and challenges where people have been working remotely and they may not want to be in the Office, so it's been a life adjustment for employees personally and professionally — of course, some of this has impacted relationships in the workplace.

How do you manage those cases?

We have an AHP Manager. This has been a game changer for us and has allowed us to have the resources to handle the issues accordingly. We developed a toolkit for managers, and we also developed a training course for employees and managers. Both our employees and managers utilize the AHP Manager services, and this allows us to address issues swiftly in accordance with the EEOC Enforcement Guidance on Vicarious Employer Liability or Unlawful Harassment by Supervisor. The training and toolkit also allow us to be proactive in addressing harassment as well.

What do you use to track harassment cases?

We're tracking them by a spreadsheet right now. But within the Defense Department and within the government, occasionally, they'll ask for numbers, and we have them, but you're basically hand-jamming it and trying to make sure that everything is accurate. The biggest issue right now is just making sure we're capturing the information and that it's as accurate and timely as possible.

You're looking at implementing case management software. How would that help?

It's a tracking-and-trending benefit. We can do that via paper, but I think it's great when you can print out a report automatically without having to manually key in information. You can even do impromptu reports, so it's great to be able to have that mechanism. For trending and tracking purposes, it stays in the system if you ever need to go back to it, which is important.

What other benefits do you expect to see?

I think it's important to make sure that we provide the resources to the workforce that they need to understand the process, but I also think it's important internally in our office for us to have the resources that we need. There is always an ongoing change in staff and so having this software system helps with that. It helps us to be able to track our EEO cases, our harassment cases, regardless of who is on the team. More importantly, like I said earlier, you can also track how you're trending with the cases. We want to know areas in which we're trending up because maybe that means that there's an opportunity for us to provide additional education and awareness to the workforce.

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EEO Case Management

Reasonable Accommodation

Labor Relations

Civil Rights

Anti-Harassment

Alternative Dispute Resolution

Benefits of a Workforce Case Management Suite

Although employee complaints can fall into a single category of EEO-related issues, they also can cut across one another. As a result, agencies need individual solutions tailored to each area that can also interoperate to share data and allow for reporting across multiple areas.

A unified technology suite lets agencies connect data and processes across disparate systems, transforming how they turn actionable insights into opportunities and solutions. What's more, they can procure the solutions they need most immediately and add on others as their budgets allow.

A Lower Learning Curve

For instance, if someone files an anti-harassment case that is better suited for the EEO team, if the two systems exchange data, the EEO team could conceivably import the case number and relevant information: names of the complainant, management official and alleged discriminating individual, plus details on what was alleged.

"Even though the individual systems are siloed for anybody who needs to access multiple systems, a main benefit of these individual applications is that they all follow a similar pattern," said Ken McCracken, Director of Workforce Case Management Product Development at Tyler Technologies. "Once you've learned an individual solution for [employee relations/labor relations] or reasonable accommodation or EEO, if you need access to another system, what you see and how each of these solutions work are very similar, so the training that is required to get up and running within an additional turnkey solution is very minimal."

Other key capabilities include:

→ Role-based dashboards for case managers

→ Built-in business rules that ensure compliance with EEOC requirements and directives

→ A secure portal where complainants can enter information and track their case status

→ Robust search capabilities for quick data access and sharing

→ Alerts associated with points in the complaint process to support compliance, data integrity and reporting

Additionally, when DEIA areas do need to integrate, the solutions enable that. Case managers should be able to access a shared landing page and database so that they're going to one place to get everything they need.

What's more, agencies need customizable solutions because not every situation is the same. One agency's workflow management may take 30 days and another's 45, so they should be able to set their system accordingly, Bird said. "They can configure that themselves," he said.

More Accurate Reporting

Arguably, the biggest benefit of using an integrated system is greater accuracy.

"A lot of times, agencies have been using spreadsheets or shared folder systems. Manual reporting from manual tracking can result in inaccuracies in reporting," Cash said. "When they use our application and it walks them through a very specific business process, this can prevent missing information and provides accurate reporting without manual effort."

Built by employees who are DEIA subject-matter experts, Tyler's suite of Workforce Case Management Software Solutions meets all these elements. Learn more here.

Conclusion

No matter how hard we try, things happen. People say or do the wrong thing, whether accidentally or intentionally. Others need special accommodation to fulfill job requirements that they are perfectly qualified to do. This is why laws have created outlets for employees to voice concerns, lodge complaints and take more decisive actions.

In turn, employers — government agencies, in this case — need technology to help manage, track and report on those cases as they arise. Each has its nuances in the form of regulatory requirements, reporting and deadlines, but there are common threads that tie not just the issues together, but the technology for addressing them, too.

To be most effective with workforce case management in the federal workplace, agencies must look for configurable, interoperable solutions that automate, accelerate, track and document conflicts from the filing of a complaint to its resolution.

About Tyler Technologies

Tyler Technologies (NYSE: TYL) provides integrated software and technology services to the public sector. Tyler's end-to-end solutions empower local, state, and federal government entities to operate efficiently and transparently with residents and each other. By connecting data and processes across disparate systems, Tyler's solutions transform how clients turn actionable insights into opportunities and solutions for their communities. Tyler has more than 40,000 successful installations across nearly 13,000 locations, with clients in all 50 states, Canada, the Caribbean, Australia, and other international locations. Tyler has been recognized numerous times for growth and innovation, including Government Technology's GovTech 100 list. More information about Tyler Technologies, an S&P 500 company headquartered in Plano, Texas, can be found at tylertech.com.

About GovLoop

GovLoop's mission is to inspire public sector professionals by serving as the knowledge network for government. GovLoop connects more than 300,000 members, fostering cross-government collaboration, solving common problems and advancing government careers. GovLoop is headquartered in Washington, D.C., with a team of dedicated professionals who share a commitment to the public sector.

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