

## When networking fails, is discrimination to blame?

From a career advancement standpoint, sometimes one of the most important things a federal employee can do is have lunch with another federal employee. Of course, I'm not suggesting a promotion can hinge on a roast beef sandwich on rye. I'm talking about professional networking. In fact, a 2009 study published in the *Journal of Applied Psychology* found that "networking behaviors can contribute to differential salary growth over time" and "[i]ndividuals who engage in networking behaviors are more satisfied with their careers." Unfortunately, some federal employees, especially women, are missing out on various networking opportunities. They are not getting invited to lunch or other office meetings or functions, and, consequently, they are being starved of career-advancing opportunities. As an Equal Employment Opportunity Commission (EEOC) Women's Work Group recently noted, this exclusion from networking opportunities results in "women not being privy to multidimensional professional and social relationships that may lead to promotional opportunities and vital career enhancement prospects." As far back as 1992, the MSPB had observed this trend, noting that "[t]here is, then, a substantial minority of men and women who believe that exclusion from a particular group or network can hinder their promotion potential." One of the most important areas where networks come into play is job changes, the MSPB said. "[E]mployees, particularly at higher levels, learn about job openings from, or are recommended for jobs by, members of their networks." It is important for employees to remember that supervisors might not invite them to a meeting because some meetings are reserved for senior staffers, as was the case in *Zenone v. Department of the Interior* (2006). Sometimes employees do not realize they are welcome to join a supervisor or co-workers at lunches or other meetings, or they were not in the office when invitations to a social gathering were extended, as was the case in *Kelly v. Department of Justice* (2000). And sometimes a supervisor may accidentally forget to invite an employee. If the supervisor apologizes for this oversight, the EEOC may not find it to be deliberate or retaliatory, as was the case in *McLemore v. Department of Transportation* (2007). Nevertheless, discrimination can result in an exclusion from attendance. Employees whose careers suffer due to such misconduct could be entitled to compensatory damages. For example, the EEOC case, *Feris v. Environmental Protection Agency* (1998), involved a complainant with a hearing disability who filed an EEO complaint alleging disability discrimination in violation of the Rehabilitation Act. His agency had failed to provide him with a reasonable accommodation in the form of a sign language interpreter at staff meetings and training sessions. The agency in *Feris* issued a final agency decision (FAD) with a no discrimination finding. But on appeal the Commission disagreed, noting that "each time appellant was unable to attend a meeting at which he could have had some influence over the outcome, he was harmed." The agency did award the appellant \$15,000 in compensatory damages, but this amount did not reflect how the discrimination harmed the appellant's career and reputation. On appeal again, the appellant claimed the agency "deprived him of access to the person to person contact experienced in small meetings and workgroups that are at the heart of the development of his professional career."

Taking into consideration the emotional harm and damage to the appellant's career, the commission awarded him \$35,000 in compensatory damages. The EEOC Women's Work Group recommended, among other things, agency-sponsored educational events on topics such as networking and hosting networking opportunities and events during work hours. These proposals should help make employees – not just women – feel more included. However, if employees believe they are being kept out of a professional circle due to discriminatory reasons, they should consult with a federal employment law attorney who can help push them into the network.&nbsp;