

EQUITY *Requirements* DIVERSITY

*Requirements* REGULATIONS *Promotions*

LAW *Requirements* OPPORTUNITY

*Requirements* DIVERSITY *Evaluations*

OPPORTUNITY *Requirements* REGULATIONS

EQUITY *Requirements* DIVERSITY

*Requirements* REGULATIONS *Promotions*

LAW *Requirements* OPPORTUNITY

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OPPORTUNITY *Requirements* REGULATIONS



# EQUAL OPPORTUNITY PROGRAMS

*Agency for International Development, Washington, D.C. 20523*

## MEMORANDUM TO USAID EMPLOYEES

Attached for your information and guidance is a copy of the first USAID brochure: Equal Employment Opportunity at USAID. The purpose of the brochure is to provide information on equal employment opportunity programs of the U.S. Agency for International Development (USAID). It contains references to the basic laws and programs relevant to USAID on the subject of equity employment in the federal government.

The Office of Equal Opportunity Programs (EOP) hopes the information provided in this publication will be a useful tool for understanding equal employment opportunity and affirmative employment. However, the true test of our efforts will be the commitment to achieving fairness and understanding of each other in our daily work relationships.

Should you wish additional copies or more detailed program information, please contact the EOP office on (202) 663-1333.

JESSALYN L. PENDARVIS  
Director

# Office Directory

OFFICE OF EQUAL OPPORTUNITY PROGRAMS  
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C. 20523

The Equal Opportunity Programs (EOP) staff provides guidance, advice, and assistance to Agency management, employees, and applicants for employment on all EEO and affirmative employment-related matters. The EOP Office is located in State Annex-1 (Columbia Plaza) in room 1224.

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# Preface

This brochure is designed to serve as a source of general information and guidance on the Equal Employment Opportunity (EEO) Programs of the U. S. Agency for International Development (USAID). Although the document contains most of the information you need to know about equal employment opportunity and affirmative employment at USAID, it is not an official procedural manual. If you need additional information on any subject covered in this document, consult USAID Handbook 24, Chapter 5, or call the Office of Equal Opportunity Programs (EOP) at (202) 663-1333.

The Office of Equal Opportunity Programs advises the Administrator and senior Agency officials on significant issues or problems and ensures conformity of personnel operations and other program activities with Equal Employment Opportunity (EEO) law. The office leads the Agency effort to achieve work force diversity through proper application of affirmative employment laws. The office also is responsible for managing the EEO complaint system for the Agency. Specific activities of the two units within the Office of Equal Opportunity Programs are as follows:

## **AFFIRMATIVE EMPLOYMENT UNIT**

- Prepares the Agency's action plans, as required on an annual basis, for internal application and external review, including the Equal Employment Opportunity Commission and Office of Personnel Management evaluation.

- Maintains and applies EEO data system to support and implement the equal opportunity programs.
- Analyzes and evaluates Agency employment trends, specifically in promotions, hires, and conversions, to assist in EEO policy development and implementation.
- Coordinates with the Office of Human Resources Development and Management and other program officials on affirmative employment initiatives, such as guidance on employee evaluation reports and promotion precepts.
- Leads Agency diversity efforts through frequent meetings with employee interest groups, management of the special emphasis programs, and external liaison as required.

## **COMPLAINTS ADJUDICATION UNIT**

- Directs the EEO counselor program.
- Manages prompt and thorough investigation of formal complaints.
- Prepares final Agency decisions and appeal responses.
- Advises the Office of the General Counsel in hearing and civil action proceedings in support of Agency decisions.
- Negotiates settlements that resolve difficult personnel and interpersonal problems raised by complainants.



# Policy Statements

USAID GENERAL NOTICE  
MAY 11, 1993

## DIVERSITY IN THE USAID WORKFORCE

As my first official act as Administrator, I am expressing my commitment to achieving a diverse and representative workforce in the Agency for International Development. This commitment extends to both the civil service and the foreign service, and to all levels of the workforce. It is my intention to put in place a plan of specific actions to achieve workforce diversity in USAID and to monitor progress in its implementation. I will expect all Agency managers to make this objective a high priority and will evaluate their performance accordingly.

I take this course because I believe it is my responsibility as a public official. It is simply right that the federal workforce be representative of the American people. Moreover, USAID represents the American people and our values directly in relations with foreign governments and peoples. One of the great strengths of our country and one of the values which is most important to share with others is our respect for the diversity of our people. The reality of USAID's workforce must communicate this value by example.

I also believe that rapid progress toward a diverse and representative workforce will make USAID a more effective organization. Until the Agency's workforce is representative of the diversity of the American people, employees who are members of the under represented groups will feel their opportunities are limited, no matter how hard they work or how much they contribute.

USAID must strive for a dedicated and productive workforce. We face many challenges and must have the best each of our employees can deliver. In turn, the Agency must demonstrate that it values all its employees, and that it will take measures to ensure real opportunities for employment and career advancement for all who demonstrate competence, hard work, a positive attitude, and a willingness to make the extra effort to contribute.



J. Brian Atwood

USAID GENERAL NOTICE  
AUGUST 10, 1993

**EQUAL OPPORTUNITY POLICIES AND OPERATIONAL GUIDANCE**

The Agency for International Development is dedicated to improving the quality of human life and developing individual opportunities globally. Consistent with that mission, we are dedicated to a goal of a diverse workplace that is free of discrimination on the basis of race, color, religion, sex, age, national origin, disability, and sexual orientation. In pursuing this goal, we will be guided by sound human resource management practices to elicit the best from each employee and by successful equal employment opportunity programs that contribute to the rich diversity of our workforce. In addition, we must meet the specific requirements of Federal laws and regulations that govern affirmative employment practices and their enforcement.

Attached to this notice are three policy statements: (1) Equal Employment Opportunity; (2) Prohibition of Sexual Harassment; and (3) Equal Opportunity for Employees with Disabilities. These policies provide clear guidance to all employees on our expectations regarding equal opportunity in USAID. Also attached is more detailed operational guidance for implementing these policies. I am com-

mitted to the concept and practice of equal opportunity in recruiting, hiring, training, assigning, rewarding, evaluating, and promoting employees. We have both collective and individual responsibility to provide equal opportunity. I intend to ensure that USAID employees are supportive of these policies and that managers, especially, are accountable for their success. To that end, in each major bureau or office, the Deputy Assistant Administrator or equivalent is assigned responsibility for achieving progress in the areas described above.



J. Brian Atwood

## AGENCY FOR INTERNATIONAL DEVELOPMENT POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

Requirements for Federal agency equal employment opportunity (EEO) and affirmative employment programs were first established in 1969 by Executive Order 11478. In 1972, the Congress amended Title VII of the Civil Rights Act of 1964, thereby mandating Federal agencies to maintain affirmative employment programs and to ensure enforcement of Federal EEO policy.

It is the policy of the U. S. Agency for International Development:

- To provide equal opportunity in employment for all persons;
- To prohibit discrimination because of race, color, religion, national origin, disability, sex, and age;
- To promote the full realization of equal employment opportunity through a continuing affirmative employment program in the Agency, particularly in recruitment, promotions, assignments, and training;
- To comply with both the letter and spirit of all laws and regulations governing equal employment opportunity and affirmative employment; and,

- To ensure that all persons are free from any and all restraint, interference, coercion, discrimination, and reprisal for engaging in any lawful activity, including participation in any stage of submitting, processing, or evaluating a complaint, including the counseling stage and thereafter.

Every USAID employee is responsible for ensuring that the work environment is free from discrimination and harassment. All levels of A.I.D. management share responsibility for and are held accountable for the successful implementation of the Agency's equal opportunity program's goals and objectives.

Anyone needing information on equal employment should contact the Office of Equal Opportunity Programs (EOP) on (202) 663-1333.



J. Brian Atwood

**AGENCY FOR INTERNATIONAL DEVELOPMENT  
POLICY ON  
PROHIBITION OF SEXUAL HARASSMENT**

The Equal Employment Opportunity Commission defines sexual harassment as deliberate, repeated, unsolicited, or unwelcome sexual advances of all types, not simply requests for sexual favors. A person is being harassed sexually when submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of employment; submission to or rejection of such conduct is used as the basis for employment decisions, promotions, assignments, or pay; or when such conduct unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive work environment.

When sexual harassment affects employment decisions or creates an offensive working environment, it is both a violation of Section 703 of Title VII of the Civil Rights Act and the Civil Service Reform Act of 1978. In addition, sexual harassment violates the Code of Conduct and Ethics for Federal employees.

It is the policy of the Agency for International Development:

- To provide a work environment free of sexual harassment;
- To prohibit all sexual harassment, explicit or implicit;
- To comply with the letter and spirit of all laws and regulations governing sexual harassment, taking corrective action when sexual harassment conduct is alleged or proved; and,
- To ensure formal complaint channels for sexual harassment are available to all employees.

Anyone needing information on the prevention of sexual harassment should contact the Office of Equal Opportunity Programs (EOP) on (202) 663-1333.



J. Brian Atwood

**AGENCY FOR INTERNATIONAL DEVELOPMENT  
POLICY ON  
EQUAL EMPLOYMENT FOR EMPLOYEES  
WITH DISABILITIES**

The Rehabilitation Act of 1973, as amended, requires Federal agencies to develop and implement plans for the hiring, placement, promotion, and retention of disabled individuals. To facilitate employment of the disabled, Federal agencies may use either competitive or special appointing authorities. Realistic standards, based on the tasks of the position, require that applicants possess only the qualifications necessary for safe and efficient performance of the duties of a particular position.

Federal agencies are responsible for providing reasonable accommodations for individuals who meet the following definitions in the Act: "A person who (1) has a physical or mental impairment that substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment." When hiring persons with disabilities, efforts are made to accommodate the individuals by removal or modification of barriers to their ability to effectively perform the essential duties of a given position.

It is the policy of the Agency for International Development:

- To prohibit discrimination in employment on the basis of physical or mental impairment;
- To promote, with reasonable accommodation, the full realization of equal employment opportunity for the disabled through a continuing affirmative employment program in the Agency, particularly in recruitment, promotions, assignments, and training; *et cetera*;
- To comply with both the letter and spirit of all laws and regulations governing equal employment opportunity and affirmative employment for persons with disabilities.

For more information concerning the implementation of this policy, please contact either the USAID Disability Employment Manager/EOP on (202) 6631510, or the USAID Selective Placement Coordinator/HRDM on (202) 663-1521.

  
J. Brian Atwood

**AGENCY FOR INTERNATIONAL DEVELOPMENT  
OPERATIONAL GUIDANCE ON  
IMPLEMENTATION OF EQUAL EMPLOYMENT  
OPPORTUNITY POLICIES**

**NONDISCRIMINATION**

The Agency for International Development will provide equal opportunity in employment for all persons, and will prohibit discrimination based on race, color, sex, age, religion, national origin, or disability. There will be zero tolerance for actions in the work context that have the purpose or effect of discriminating on one of the bases listed above.

women, minorities, and disabled individuals where underrepresentation exists. Increased attention will be focussed on those groups that remain underrepresented and on those organizational units whose progress fails to meet reasonable expectations. Special emphasis will be directed to those segments of the population that are disproportionately absent in managerial, supervisory, and executive level positions.

**ACCOUNTABILITY**

In each bureau, mission, and office, the Deputy Assistant Administrator, Director, or equivalent shall be responsible for achieving progress in the areas described herein. The objectives outlined in this notice have the full support of the senior management team. The Agency will succeed in creating a model work environment which promotes quality and equality, as well as fairness and full participation by all Agency employees.

**PROHIBITION OF SEXUAL HARASSMENT**

It is the legal and ethical responsibility of all USAID employees to refrain from sexually harassing behavior in the workplace. Under Federal regulations, managers and supervisors bear certain responsibility for prevention of sexual harassment and for correcting the conduct of their employees who violate these regulations. Included in this prohibition are not only direct, overt sexual comments or actions, but also any activity of a sexual nature that creates a hostile or offensive working environment. All bureaus, missions, and offices should inform their employees what conduct constitutes sexual harassment. The Office of Equal Opportunity Programs is available for advice and training to assist in this effort.

**AFFIRMATIVE EMPLOYMENT**

Federal agencies are required to take affirmative measures in all aspects of employment, including hiring, advancement, training, assignments, evaluation, and recognition. Affirmative employment to advance equal employment opportunity requires appropriate efforts to increase the representation of

**NONDISCRIMINATION BASED ON  
SEXUAL ORIENTATION**

There shall be no discrimination against any Agency employee based on sexual orientation. It is the responsibility of each manager and supervisor to assure that equality of opportunity in all facets of employment not be denied to any individual because of sexual orientation.

**SPECIAL EMPHASIS PROGRAMS**

The Office of Equal Opportunity Programs coordinates a number of employee programs designed to improve the employment status of women, persons with disabilities, and members of minority groups. These special emphasis programs contribute to the success of our affirmative employment programs, highlight the benefits of our culturally diverse workforce, and provide one means of publicly recognizing the contributions of some of our most valuable employees. All employees are encouraged to support and participate in these programs.

**DISCRIMINATION COMPLAINTS**

Discrimination complaints exact an extremely high toll in terms of both human discord and monetary costs. Accordingly, USAID will encourage informal resolution of interpersonal and employment issues, whenever possible. When this is not possible, the Director of the Office of Equal Opportunity Programs is delegated the responsibility to investigate and adjudicate, consistent with Federal laws, regulations, and guidance, complaints of discrimination and the authority to settle cases when such closure is appropriate.



J. Brian Atwood

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# LEGAL AUTHORITIES

## ■ EQUAL PAY ACT OF 1963, AS AMENDED

- Prohibits any discrimination, on the basis of sex, in wages and fringe benefits.

## ■ CIVIL RIGHTS ACT OF 1964, AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

- Title VII prohibits discrimination in employment based on five factors: race, color, creed, sex, or national origin.

## ■ AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

- Prohibits discrimination based on age against individuals who are age 40 and older.

## ■ EXECUTIVE ORDER 11478 OF 1969

- Requires the head of each executive department and agency to establish and maintain affirmative employment programs and policies.
- Requires EEO as an integral part of every aspect of personnel policy and practice in employment, development, advancement, and treatment of civilian employees of the Federal Government.
- Requires that personnel system reflect equal opportunity in all phases of hiring, promotions, evaluations, awards, and training actions.

## ■ REHABILITATION ACT OF 1973, AS AMENDED

- Prohibits discrimination in employment on the basis of physical or mental handicap.

## ■ CIVIL SERVICE REFORM ACT OF 1978

- Established the Federal Equal Opportunity Recruitment Program, which requires agencies to conduct a continuing recruitment program designed to eliminate underrepresentation of minorities in its workforce.

## ■ PREGNANCY DISCRIMINATION ACT OF 1978

- Prohibits the exclusion of applicants and employees from jobs because of pregnancy, as well as any requirement that they cease to work at a specified time, unless the employer can prove "business necessity."

## ■ FOREIGN SERVICE ACT OF 1980, AS AMENDED

- Reflects Congressional findings that membership of the Foreign Service should be representative of the American people and that the Service should be operated on the basis of merit principles.
- Embraces Affirmative Employment Programs, including minority recruitment programs, to facilitate and encourage entry into and advancement in the Foreign Service and equality of opportunity and fair and equitable treatment for all persons without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disability.

## ■ CIVIL RIGHTS ACT OF 1991

- Allows victims of intentional discrimination based on sex, religion, or disability to seek compensatory damages. This was previously available only to racial and ethnic minorities.
- Provides Senate employees and political appointees of the Executive Branch anti-discrimination laws coverage.

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# SPECIAL EMPHASIS PROGRAMS

Special Emphasis Programs are designed to address particular employment issues of women, minorities, and the disabled. There are six active Special Emphasis Programs within USAID: the Federal Women's Program; the Hispanic Employment Program; the Selective Placement Program for the Disabled; the African American Employment Program; the Asian Pacific American Employment Program; and the Native American Employment Program. Program managers in the EOP Office are responsible for the programs' development, implementation, and evaluation, and they advise the EOP Director and Agency management officials on the status and progress of each program. For additional information on these programs, call the EOP Office at (202) 663-1333.

### ■ THE FEDERAL WOMEN'S PROGRAM

Executive Order 11246, as amended, provides for equality not only on the basis of race, color, age, or national origin, but also sex. The amendment reflects, in part, the need to reinforce existing programs for women in the Federal service. Executive Order 11478, which was promulgated on August 8, 1969, fully outlines these provisions. The Federal Women's Program (FWP) was designated as an integral part of this Order and is thus an inherent responsibility of every Federal executive, manager, and supervisor.

### ■ THE HISPANIC EMPLOYMENT PROGRAM

On November 5, 1970, the President established a 16-point program to ensure equal opportunities in Federal employment for Spanish-surnamed Americans. The Hispanic Employment Program (HEP) addresses the underrepresentation and

underutilization of Hispanic Americans in the Federal work force and requires Federal departments and agencies to undertake steps to correct those deficiencies.

### ■ THE SELECTIVE PLACEMENT PROGRAM FOR THE DISABLED

All Federal agencies are required to ensure that qualified disabled individuals, including disabled veterans and Federal employees who become disabled after appointment, have a full range of opportunities to be hired, placed, and trained in Federal jobs that they are capable of performing with reasonable accommodation.

### ■ AFRICAN AMERICAN EMPLOYMENT PROGRAM

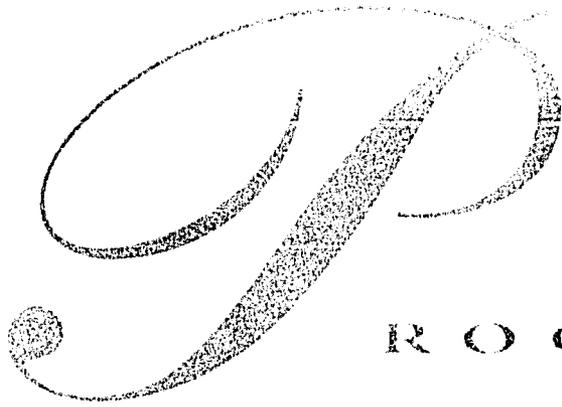
### ■ ASIAN PACIFIC AMERICAN EMPLOYMENT PROGRAM

### ■ NATIVE AMERICAN EMPLOYMENT PROGRAM

Three additional Special Emphasis Programs were recently established at USAID to promote employment and advancement opportunities for the Agency's African American, Asian Pacific American, and Native American employees. The program managers in the EOP Office are responsible for monitoring Agency programs that ensure equal opportunity in employment, training, promotions, and assignments for African Americans, Asian Pacific Americans, and Native Americans.







# A F F I R M A T I V E E M P L O Y M E N T P R O C E S S

## ■ AFFIRMATIVE EMPLOYMENT PROCESS

The affirmative employment process involves the following activities:

- Analysis of organizational work force data to ascertain employment and promotion patterns, including review of bureau office staffing and hiring patterns.
- Identification of manifest imbalance or conspicuous absence of segments of the U.S. population in the Agency's work force compared with the national civilian labor force.
- Involvement of Agency management in identification of barriers to employment and advancement of minorities and women, and in the development of strategies to overcome barriers and achieve diversity.
- Establishment of Agency hiring goals and objectives based on workforce underrepresentation levels and Agency need.
- Review of all personnel and management policies, procedures, and processes to identify existing barriers to the hiring and advancement of target groups.
- Recommendation of corrective actions to management for removal of artificial or unnecessary barriers.
- Provision of guidance and assistance in targeted recruitment of underrepresented groups.
- Ongoing analysis of personnel practices and decisions as they affect EEO.
- Monitoring and evaluation of Agency progress and implementation of full range of affirmative employment activities.
- Management of the Special Emphasis Programs for the Agency.
- Development of Agency Affirmative Action Plans, as required by law, on the employment status of minorities and women, on the employment and accommodation status of persons with disabilities, and on the employment status of disabled veterans and Vietnam era veterans. Plans include work force analysis, identification of goals and objectives, assessment of initiatives, and program evaluation.
- Training of Agency officials and staff regarding Agency EEO requirements and objectives.
- Assurance of Agency compliance with equal employment opportunity and affirmative employment laws, regulations, and directives.



# THE COMPLAINT SYSTEM

Federal employees or applicants for Federal employment may file an EEO complaint of discrimination if:

- The applicant, employee, or former employee feels that he/she has been, or is being, treated differently or unfairly because of race, color, religion, sex, age (40+), national origin, or physical or mental disability; or,
- An applicant or employee feels that he/she has been, or is being, subjected to reprisal because of having filed or having been associated with a complaint of discrimination. The employee may file a separate complaint of discrimination based on reprisal.

All complainants have the right to have a representative present at any stage in the presentation of a complaint, including the counseling stage.

## ■ DISCRIMINATION ISSUES

The following are typical issues in discrimination complaints:

- Failure to be hired;
- Failure to be promoted;
- Training;
- Disciplinary action;
- Duty assignment;
- Failure to receive recognition (awards);
- Performance appraisal;
- Job classification; and,
- Harassment or maltreatment.

## ■ RELIEF

As part of his/her complaint, the complainant may request relief as appropriate to the nature of the alleged discrimination. Some typical forms of relief, if discrimination is found, include:

- Retroactive promotion/ back pay;
- Special consideration for promotion;
- Assignment to training;
- Removal of disciplinary action;
- Reassignment (transfer) of complainant;
- Discipline of alleged discriminating official;
- Consideration for recognition;
- Reconsideration of performance appraisal;
- Reclassification of position; and,
- Cessation of harassment/ maltreatment.

## ■ FILING OF AN INFORMAL COMPLAINT

1. The first step in the complaint system is the filing of an informal complaint of discrimination.

The employee or applicant must contact an Equal Employment Opportunity (EEO) Counselor within 45 calendar days of the alleged discriminatory action or within 45 days of when the individual knew or reasonably should have known of the alleged discriminatory action. If the matter is not a specific action, but an ongoing policy or practice, it must have been in effect within 45 calendar days of contact with the Counselor. If further information is needed, contact the EOP Office on (202) 663-1333.

2. A complainant need not furnish "proof" of discrimination in order to file a complaint.

3. Contact with an EEO Counselor will initiate a 30-calendar day period, during which the Counselor will conduct an inquiry into the facts at issue and attempt to reach an informal resolution of the complaint. If the complainant so wishes, his/her name will be kept confidential during the informal stage. (All efforts will be made by the Counselor to ensure anonymity of the complainant.) The Counselor will talk with the complainant to determine the nature and background of the complaint and the relief desired.

4. Depending on the matter, the Counselor may research regulations, review personnel records and statistical information, interview witnesses, and/or speak with those officials alleged to be involved in the action and other management officials if appropriate.

5. The Counselor will determine whether a mutually acceptable informal resolution of the complaint is possible. If so, terms of the resolution will be put in writing and signed by the complainant and the responsible official(s).

6. If not, the Counselor will prepare a report for EOP that will be made available to the complainant if a formal complaint is filed.

#### ■ FILING OF A FORMAL COMPLAINT

1. If no informal resolution is achieved within 30 calendar days, the EEO Counselor must, on the 30th day, give written notice to the complainant of the right to file a formal complaint. Counseling may be continued for an additional 60 days if negotiations toward a resolution are in process and both parties agree to an extension. In order to exercise the right to file, the complainant must file a written formal complaint within 15 calendar days of receipt of the Right to File Letter.

2. The employee or applicant may file a complaint with the Administrator or the Director of Equal Opportunity Programs.

3. The EOP Director accepts or rejects the complaint.

4. If the complaint is accepted, the EOP Director assigns an investigator.

5. The investigation is conducted. The complainant is given a copy of the investigative file.

6. Within 30 days after receipt of the investigative file, the complainant may request a hearing or a final decision by the Agency.

7. The Agency must produce a final decision within 60 days of such request by a complainant.

8. If the complainant asks for a hearing, an

Agency request is made to the Equal Employment Opportunity Commission (EEOC) to assign an Administrative Judge.

9. The Administrative Judge reviews the file, requests additional information as needed, and schedules and conducts a hearing.

10. The hearing is recorded and transcribed verbatim. The Administrative Judge makes findings and conclusions available to all parties within 180 days of the request for the hearing.

11. Within 60 days, the EOP Director makes an Agency decision based on the file and/or the recommendations of the Administrative Judge. The EOP Director must state reasons for rejection or modification of the recommended decision.

12. The complainant has the right to appeal the Final Agency Decision to EEOC'S Office of Federal Operations within 30 calendar days, or to file a civil action in Federal District Court within 90 calendar days of the Agency decision.

13. If the complainant elects to appeal to EEOC'S Office of Federal Operations, he/she may file a civil action in Federal District Court within 90 days of EEOC'S decision on the appeal.

14. The complainant may file a civil action in the Federal District Court if final action on his/her complaint is not taken by the Agency within 180 days of filing, or if final action is not taken on an appeal to the Office of Federal Operations within 180 days of filing.

#### ■ DISCRIMINATION COMPLAINTS BASED ON AGE

- Discrimination complaints based on age will be accepted and processed under these procedures only if the complainant was at least 40 years of age at the time the discriminatory action is alleged to have occurred.

- Complainants who file age discrimination complaints and who want to file a civil action based on that complaint must exhaust administra-

tive remedies prior to filing a civil action. If the complainant is dissatisfied with the final decision of the Agency with regard to his/her complaint of age discrimination, or with the final action taken by the EEOC on an appeal from the Agency's decision, the complainant may file a civil action in Federal District Court.

- Time limits for filing civil actions on Agency or EEOC decisions are not specified in law. The time limits for filing civil actions referred to in items 12 and 13 under the heading "Filing a Formal Complaint" do not pertain to age discrimination complaints.

- In lieu of filing a discrimination complaint based on age and having it processed as outlined above, the complainant may serve the EEOC with notice of intent to file a civil action within 180 days of the alleged discriminatory action. After 30 days from that notice, the complainant may proceed directly into Federal court.

#### ■ CLASS ACTION COMPLAINT OF DISCRIMINATION

A "class" is a group of USAID employees, former USAID employees, and/or applicants for employment on whose behalf it is alleged that they have been or may have been adversely affected by Agency personnel management policy or practice which the Agency has authority to rescind or modify, and which discriminates against the group on the basis of their common race, color, religion, sex, national origin, age, or physical or mental disability.

For more details on the procedures for processing class complaints of discrimination based on race, color, religion, sex, national origin, age, or disability, see USAID Handbook 24, Chapter 5.

#### ■ COMPLAINTS NOT RELATED TO DISCRIMINATION

If the complaint is not related to discrimination, sexual harassment, or discriminatory reprisal, the complainant should address the issue to the Office of Human Resources Development and Management, Labor and Employee Relations (HRDM LER) on (202)-663-1317 and/or to the union (if the employee is covered under the Negotiated Agreement) for appropriate action. USAID personnel are represented by two unions - the American Foreign Service Association (202-647-8160) and the American Federation of Government Employees -- Local 1534 (703-875-1206).

# *Organizations with EEO Interests*

## ■ **USAID ASIAN PACIFIC AMERICAN EMPLOYEES COMMITTEE**

The Asian Pacific American Employees Committee's objective is to assist the Agency in promoting and establishing an effective and equitable participation of Asian Pacific Americans in the workforce. Its membership consists of Civil Service and Foreign Service USAID employees. For more information contact Prem Sethi, Chair, on (703) 875-1413.

## ■ **HISPANIC EMPLOYMENT COUNCIL – FOREIGN AFFAIRS AGENCIES**

The Hispanic Employment Council (HEC) is a voluntary, non-partisan, organization of Foreign Service and Civil Service USAID employees. Its purpose is to ensure Hispanic Americans, and other minorities are provided equal opportunity in recruitment, training, promotions and assignments within USAID. For more information contact Audon Trujillo, USAID Vice President, on (703) 875-1848.

## ■ **THURSDAY LUNCHEON GROUP**

The Thursday Luncheon Group (TLG), a non-partisan organization comprised of Foreign Service and Civil Service personnel, was founded in 1973. Its priority purpose is to increase the participation of African Americans in the formulation, articulation, and implementation of U.S. foreign policy. For more information on the TLG, contact Carolyn Coleman, USAID Vice President, on (703) 875-4274.

## ■ **WOMEN'S ACTION ORGANIZATION**

The Women's Action Organization (WAO), which was founded in 1970, is a voluntary, non-profit organization committed to the advancement of Foreign Service and Civil Service women in USAID, the Department of State, and the U.S. Information Agency. For more information on the WAO, contact Ravi Aulakh, President, USAID chapter, on (202) 736-7457.