

United State Department of Agriculture  
Animal and Plant Health Inspection Service

**Equal Employment Opportunity  
Complaint Processing  
Guidance for Responsible Management Officials  
In Formal EEO Complaints**

Civil Rights Enforcement and Compliance  
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## *Introduction*

The purpose of this handbook is to provide guidance to managers and supervisors within the Animal and Plant Health Inspection Service who are involved in the formal EEO complaint process as a Responsible Management Official.

## ***Formal EEO Complaint Investigation Process***

The formal EEO complaint process begins when the complainant has completed the informal counseling or mediation process without resolution; has been issued a Notice of Right to File (NRF) by the EEO Counselor/Mediator; and has formally filed an EEO complaint with the USDA Office of Civil Rights.

The Office of Civil Rights receives the formal EEO complaint sent by the complainant; reviews the Report of Counseling, and accepts the case for investigation. The Office of Civil Rights may also dismiss the case partially or in its entirety. Complainants are given appeal rights should their complaint be entirely dismissed.

Once accepted, the formal complaint is then forwarded to the Civil Rights Enforcement and Complaints (CREC) office for assignment to an independent investigative contracting firm selected from the GSA Schedule. While EEOC regulations require the investigation be completed within 180 days from the date the complaint was filed; we require the investigations to be completed within 45 work days.

An investigation of a formal complaint of discrimination is a official review or inquiry by an authorized investigator, into claims raised in an EEO complaint. The investigation process is non-adversarial. The role of the investigator is to collect and discover factual information concerning the claim(s) in the complaint under investigation and to prepare an investigative summary.

The investigator must be and must maintain the appearance of being unbiased, objective and thorough. He or she is neutral in this process. The investigator is not an advocate for any of the parties or interests. Any concerns arising during the investigation should be brought immediately to the attention of the assigned EEO Specialist.

Upon completion of the investigation, the Investigative Contractor will produce and submits the completed Report of Investigation to the CREC office. The assigned CREC EEO Specialist reviews the Report of Investigation for sufficiency, ensuring all documents are provided and properly sanitized (personal information such as home addresses, telephone numbers and social security numbers). A copy of the Report of investigation is provided to the complainant and his/her legal representative, if applicable, with an election of the following processing options:

- Election of withdrawal of complaint;
- Election of issuance of a Final Agency Decision by the Office of Civil Rights based upon the evidence in the Report of Investigation;
- Election of a hearing before an EEOC Administrative Judge

The Responsible Management Official is not entitled to receive a copy of the Report of Investigation, only a copy of his/her own affidavit. If a hearing before EEOC be elected, the complaint file will be provided to APHIS, Assessment and Litigation Branch, or the USDA Office of the General Counsel for agency representation. As the Responsible Management Official, you may be contacted by the agency representative.

## ***Rights and Responsibilities for Responsible Management Officials***

You have been identified as a Responsible Management Official (RMO) in a formal EEO discrimination complaint. This means that the complainant has identified you as being responsible for an action or decision which the complainant believes is discriminatory because of his or her race, color, religion, sex, national origin, age, disability, or in reprisal for prior EEO activity.

As a Responsible Management Official you have certain rights, responsibilities and opportunities with respect to the EEO investigation that is about to begin. We hope that by communicating them to you now, you will better understand your role in the EEO process.

- ❖ As a Responsible Management Official, you have the right to be informed of all allegations of discrimination lodged against you. An EEO Specialist with the Civil Rights Enforcement and Compliance (CREC), EEO Complaints team, will contact you telephonically, upon their notification of the complaint acceptance to advise you of the accepted issues and basis of the complaint. The EEO Specialist will serve as your point of contact throughout the processing of this complaint.
- ❖ As a Responsible Management Official, you will be contacted directly by a Contract EEO Investigator. You have the responsibility of fully cooperating with the investigator. This may include preparation of a preliminary affidavit, prior to your actual onsite or telephonic interview and production of relevant documents as requested by the investigator.
- ❖ As a Responsible Management Official, you have the right to review your affidavit thoroughly to ensure it states your responses to the allegations clearly. You should never sign any statement or affidavit without careful review. Any discrepancies or errors should be brought to the attention of the investigator immediately. Concerns regarding the investigator and/or the investigative process should be brought to the attention of the assigned EEO Specialist.

***Alternative Dispute Resolution  
Availability  
For Formal Complaints***

Alternative Dispute Resolution or ADR as it is commonly known, is the term used to describe a variety of approaches to resolving conflict rather than traditional adjudicatory methods, such as litigation, hearings or other administrative processing methods.

While most Responsible Management Officials are familiar with this process during the informal counseling stage, this is also an approach to resolution occasionally used during the formal process as well.

Mediation - The parties involved are brought together and concerns which gave rise to the allegations are addressed in a non-threatening environment, through mediation. This technique is not conducted telephonically.

Telephonic Facilitation –The parties involved are brought together via teleconference and with guidance of the facilitator the group efficiently moves through the problem-solving process to arrive at a jointly agreed upon resolution.

Settlement Conference – The parties involved are brought together via teleconferencing with the EEO Specialist and are provided with possible settlement ranges for their consideration.

**Civil Rights Enforcement and Compliance**  
**Resources**

Below is a listing of the CREC EEO Specialists and program areas to which they are assigned:

Lauren Hill

Employment Complaints Manager

Telephone: (202) 720-4622

Assigned area: Office of the Administrator (OA)

Marketing and Regulatory Programs Business Services (MRPBS0  
International Services (IS)

Animal Care (AC) \*\* Assists EEO Specialist Michael Holmes

Wildlife Services (WS) \*\* Assists EEO Specialist Michael Holmes

Dennis Dew

EEO Specialist

Telephone: (202) 720-9931

Assigned area: Veterinary Services (VS)

Plant Protection and Quarantine (PPQ) – Western Region

Mark Quiming

EEO Specialist

Telephone: (202) 720-5415

Assigned area: Biotechnology Regulatory Services (BRS)

Plant Protection and Quarantine (PPQ) – Eastern Region  
Headquarters

Michael Holmes

EEO Specialist

Telephone: (301) 734-6337

Assigned area: Animal Care (AC)

Wildlife Services (WS)

**APHIS Manager's EEO Helpline**

The APHIS EEO "Help Line" provides managers with an opportunity to obtain assistance in resolving EEO and program discrimination complaints and answers to general EEO issues and concerns.

**1-800-372-7428**