

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY

MANAGEMENT DIRECTIVE

EEO MD-110

DATE: October 22, 1992

TO THE HEADS OF FEDERAL AGENCIES

1. SUBJECT. FEDERAL SECTOR COMPLAINTS PROCESSING MANUAL

2. PURPOSE. The purpose of this Directive is to provide Federal agencies with Commission policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 C.F.R. Part 1614.

Federal agencies covered by 29 C.F.R. Part 1614 are responsible for developing and implementing their own equal employment opportunity programs and complaint processing procedures consistent with the Commission's regulations. It is the Commission's responsibility to direct and further the implementation of the policy of the government of the United States to provide equal opportunity in federal employment and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or handicap. Pursuant to its obligations and statutory authority, the Commission issues such rules, regulations, orders and instructions, including management directives, as it deems necessary and appropriate to carry out its responsibilities to communicate Federal equal employment opportunity management policy, requirements, guidance and information to Federal agencies. The Commission's instructions are directive in nature, and heads of Federal agencies are responsible for prompt and effective compliance with Commission Management Directives and Bulletins.

This Complaints Processing Manual will ensure that agency personnel responsible for complaints processing are in possession of all current Commission guidance materials so that the Commission's policies, procedures, and regulations are consistently and uniformly applied government-wide. The manual consists of several chapters with subject matter headings identified in the table of contents. Some chapters are issued in connection with specific sections of the regulations. These sections are: 1614.105© regarding counseling; section 1614.107(b) regarding timeliness; section 1614.107(h) regarding full relief; and section 1614.108 regarding investigations. Other chapters include guidance and direction on topics, which we know from our experience processing complaints under previous regulations, are needed and are applicable to Part 1614. The manual will be supplemented by new and revised materials, as they are issued. The manual has been prepared in loose leaf form to facilitate the insertion of new and the removal of outdated materials. The Commission is hopeful that this manual will be helpful to Federal agency personnel in administering the discrimination complaint process.

3. AUTHORITY. This Directive is issued pursuant to EEOC's obligations and authority under section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16; sections 501 and

505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791 and 794a; section 15 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; section 6(d) of the Fair Labor Standards Act of 1938, as amended (the Equal Pay Act), 29 U.S.C. § 206(d); Reorganization Plan No. 1 of 1978, 3 C.F.R. § 321 (1978) and Executive Orders 11478, 3 C.F.R. § 803 (1966-1970 Compilation) reprinted in 42 U.S.C. § 2000e note, issued in 1969 and 12106, 44 Fed. Reg. 1053 (1979).

4. **POLICY INTENT.** The policy objective of this Directive is to ensure that Federal agency personnel responsible for processing employment discrimination complaints do so consistently and in accordance with the Commission's regulations set out in 29 C.F.R. Part 1614, and with the guidance, policies, and procedures contained in this Directive and in the attached manual.

5. **APPLICABILITY AND SCOPE.** The provisions of this Directive apply to all Federal agencies covered by 29 C.F.R. Part 1614.

6. **SUPERSESSON.** This Directive supersedes EEO MD-107 dated September 1, 1987, which provided instructions on the implementation of the EEOC's complaint processing procedures pursuant to 29 C.F.R. Part 1613 (obsolete).

7. **RESPONSIBILITIES.** Heads of Federal agencies are responsible for ensuring that employment discrimination complaints are processed fairly, promptly, and in strict accordance with the complaint processing procedures set out in 29 C.F.R. Part 1614 and with the guidance incorporated in paragraph 7 of this Directive. Since the Commission's guidance is binding in nature, Federal agencies are required to comply with it.

8. **POLICIES AND PROCEDURES.** The Commission's specific policies, procedures and guidance related to the processing of federal sector employment discrimination complaints are contained in this Complaints Processing Manual. All statements of guidance upon which the Commission votes and which the Commission approves, become Commission guidance. Care has been taken to delineate any agency action which is suggested rather than required by Commission policy. All time frames stated herein are stated in calendar days.

9. **INQUIRIES.** Unless otherwise specifically noted in the manual, further information concerning this Directive or guidance contained in the attached manual may be obtained by contacting:

Equal Employment Opportunity Commission

Office of Federal Operations

Federal Sector Programs

1801 L Street, N.W.

Washington, D.C. 20507

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Date Evan J. Kemp, Jr. Chairman

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