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| DEPARTMENTAL REGULATION | | NUMBER: 4300-009 |
| SUBJECT: Equal Employment Opportunity Complaints Where a Departmental Senior Civil Rights Official is the Responsible Management Official | DATE: January 9, 2001 | |
| | OPI: Assistant Secretary for Administration | |

1 PURPOSE

This regulation establishes policy for the United States Department of Agriculture (USDA) in handling Equal Employment Opportunity (EEO) complaints where the Responsible Management Official (RMO) is the Department's Director of Civil Rights, a Deputy Director in the Department's Office of Civil Rights, or any person directly supervised by the Director of Civil Rights.

2 SCOPE

This regulation extends to all informal and formal complaints of alleged discrimination in employment and is applicable to any such case where a senior civil rights official (as described in Section 1 of this regulation) is identified as a RMO.

3 SPECIAL INSTRUCTIONS

Departmental Regulation (DR) 4300-07, Processing EEO Complaints of Discrimination, establishes USDA policies and procedures for processing EEO complaints, and will provide guidance for the development of Memoranda of Understanding pursuant to this policy.

The term RMO is defined in DR 4300-7 as the person named by the complainant or indicated by the record as responsible, in whole or in part, for taking or recommending the action or decision that is the issue of the complaint.

4 POLICY

It is the policy of USDA to ensure the fair and timely processing of Civil Rights complaints. In cases where the RMO serves in a capacity that would preclude the fact or appearance of fair and impartial processing of a complaint, an alternate processing mechanism will be used that takes the

complaint outside the influence of such official. In these cases, USDA shall:

a Enter into a Memorandum of Understanding (MOU) or agreement with another Federal agency (hereafter referred to as the Processing Office) to process such complaints, including the issuance of a Final Agency Decision.

b Fund the expenses associated with the MOU from the Office of Civil Rights appropriation or other appropriate funding.

c Identify an organization, independent of the Department's Office of Civil Rights or the Office of Human Resources Management that will serve as the support office (hereafter referred to as Support Office) for this policy.

5 RESPONSIBILITIES

a The Assistant Secretary for Administration will:

(1) Enter into a MOU or other agreement with another Federal agency for the processing of EEO complaints subject to this policy.

(2) Ensure that procedures are communicated to covered employees.

(3) Identify the USDA Support Office for this policy.

b The Director of the USDA Support Office will:

(1) Serve as the point of contact and provide staff support to the Assistant Secretary, for Administration on the development and management of MOU pursuant to this policy.

(2) Receive complaints covered by this policy.

(3) Maintain all records concerning complaints subject to this policy.

(4) Provide statistical data for tracking purposes on complaint processing to the Office of Civil Rights.

c The Processing Office identified in the MOU will:

- (1) Perform all functions in processing. EEO complaints as required by 29 CFR 1614.
- (2) Provide and schedule EEO counselors.
- (3) Review complaints and issue letters of acceptance or dismissal of formal complaints.
- (4) Conduct or arrange for investigations and issue investigative reports and summaries.
- (5) Provide Alternative Dispute Resolution, (ADR) services as appropriate.
- (6) Issue binding Final Agency Decisions.
- (7) Ensure that complainants are informed of their rights and the status of their cases.
- (8) Provide complaint files to the Equal Employment Opportunity Commission or other appellate bodies as appropriate.
- (9) Provide information to complainants and to the USDA Support Office.
- (10) Perform other related duties as may be specified in the MOU.

d The Office of Civil Rights will ensure that all applicable tracking information on cases filed under this procedure is included in the central USDA data base for EEO complaints and in USDA reports as appropriate.

6 WAIVERS

The Secretary may waive the requirements of this regulation on a case by case basis.