

**U.S. DEPARTMENT
OF THE
INTERIOR**

***EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM***

**EEO COUNSELING
PROGRAM**

A MANAGER'S GUIDE



EEO Counseling Program

What is EEO Counseling?

EEO Counseling (also known as the pre-complaint process or the informal counseling process) is the first step of the EEO complaint process. Any employee (current or former) or applicant for employment who believes that he or she has been discriminated against on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation¹, or reprisal, must start the process by contacting an EEO Counselor. Any matter which affects a term, condition, or privilege of employment, within control of the Department, can be raised in an EEO complaint.

The EEO Counseling process gives you an opportunity to listen and understand your employee's concerns. It also helps to maintain open communication between you and your employee. Many issues raised in EEO Counseling stem from misunderstandings, a lack of understanding, and simply a lack of communication. The EEO Counselor can help improve communication.

What is the role of the EEO Counselor?

The EEO Counselor is a neutral person to the EEO process. He or she does not represent you or the aggrieved person. However, the EEO Counselor will advise

you about the process and answer any questions you might have.

The role of the Counselor is to conduct a limited inquiry into the claims brought by the aggrieved person and to work with you and the aggrieved person to resolve these issues. In doing so, the Counselor will contact you to introduce him or herself, advise you of the informal complaint and the alleged claims of discrimination, and schedule a meeting with you to discuss the alleged claims.

The EEO Counselor's main role is to attempt to resolve the claim between you and the aggrieved person. The Counselor does not decide the merits of the case. The authority to resolve the claim is with you or another manager who is in a position to authorize resolution of the claim.

Must I meet with the EEO Counselor?

As a Federal employee, you are obligated to cooperate in the EEO process. Remember that the EEO Counselor is a neutral party. He or she is there to assist you and the aggrieved person to resolve the issues. Working with the EEO Counselor in an open and forthright manner can facilitate resolution early and favorably to both parties. It can be a win-win situation.

Will my discussion with the EEO Counselor be recorded?

The discussion between you and the EEO Counselor is informal and will not be recorded. However, the EEO Counselor will summarize the discussion with you in the Report of Counseling.

Why can't the Counselor dismiss frivolous complaints?

The counseling process is an informal process designed to open communication between the supervisor and the aggrieved person with the help of the EEO Counselor, a neutral third party. The EEO Counselor conducts a limited inquiry to understand the claims and to facilitate resolution at the earliest possible opportunity. He or she does not decide the merits of the claims.

The Federal EEO Complaints Regulations do not provide for the dismissal of informal complaints. The EEO Counselor may present the aggrieved person with information about his or her claims that may better explain to the aggrieved person why certain actions or decisions occurred. This may help the aggrieved person understand whether or not unlawful discrimination played a role in their claim.

Must I agree to resolve the complaint?

No. The decision to resolve the complaint is up to you. The EEO Counselor is there to assist you. Because you need all your

employees, including the aggrieved person, to perform at their highest potential, you should listen and understand your employee's concerns. EEO Counseling can present an easy, simple way for you to enhance your communications with your staff and resolve basic issues.

How do I resolve the complaint?

You resolve the complaint first by listening and understanding the aggrieved person's concerns. Then, considering the personnel and management flexibilities within your authority, you can decide how you are going to resolve the concerns. The EEO Counselor can assist you in determining an appropriate and legal remedy.

What happens if the complaint is not resolved?

If the complaint is not resolved during informal counseling, the EEO Counselor will conduct the final counseling session with the aggrieved person and issue him or her, the Notice of Final Interview and Right to File a Discrimination Complaint. You will be notified if a formal EEO complaint is subsequently filed.