

Resources for Employees with Concerns about Improper Conduct in the DOL Workplace

The following is a list of resources on various laws and policies that may be available to employees with concerns about improper conduct within the Department of Labor (DOL) workplace. This list was designed to assist employees in determining for themselves the best venue(s) to raise concerns regarding subjects such as: discrimination; harassment; workplace violence; veterans' protections; fraud, waste and abuse; prohibited personnel activities; whistleblower protections; and political activities. In all situations, we recommend that employees raise concerns directly with their respective supervisors or supervisory chains so that concerns may be addressed as promptly and effectively as possible. Additionally, no statement contained within this list should be construed as providing legal advice, nor should any statement be construed as expressing a preference toward any resource, either listed or not listed below.

Civil Rights Center (CRC)

(202) 693-6500; TTY (202) 693-6515

The Civil Rights Center (CRC), [Office of Internal Enforcement](#) enforces [federal laws prohibiting employment discrimination](#) and is responsible for ensuring equal employment opportunity (EEO) for all DOL employees and applicants for employment with DOL. EEO laws and/or DOL policy protect DOL employees and applicants for DOL employment from discrimination when it involves:

1. Unfair treatment because of an individual's race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability, genetic information, parental status and/or sexual orientation;
2. Harassment by managers, co-workers, or others in the workplace, because of an individual's race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability, genetic information, parental status and/or sexual orientation;
3. Denial of a reasonable workplace accommodation that is needed because of an individual's religious beliefs or disability;
4. Retaliation because an individual complained about job discrimination, filed an EEO complaint, assisted with a job discrimination investigation or lawsuit, requested a reasonable accommodation for religious beliefs and/or a disability and/or in any way expressed a good faith opposition to employment practices that the affected individual believed to be discriminatory under EEO laws.

Individuals who wish to file complaints of discrimination must contact an EEO Counselor or the CRC within *45 calendar days* of an alleged discriminatory action or, in the case of a personnel action, within *45 calendar days* of the effective date of the action in order to initiate the EEO process and file an informal complaint and begin the EEO complaint process. [Click here for more information on how to file a complaint.](#)

Filing suit in federal court: There are a few instances where an aggrieved individual may proceed directly to federal court (without proceeding through the EEO process) and file a civil suit. They are:

1. After providing the EEOC with 30 days advance “notice of intent to sue” in connection with an allegation of age discrimination under the [Age Discrimination in Employment Act \(ADEA\)](#). Notice of intent to sue must be filed with the EEOC within 180 days of the occurrence of the alleged unlawful practice. *See* 29 C.F.R. § 1614.201(a).
2. Filing a civil action under the [Equal Pay Act \(EPA\)](#), which does not require that an aggrieved individual file an EEO complaint with CRC before proceeding to federal court. The EPA prohibits discrimination based on sex in the payment of wages. The EPA includes a statute of limitations, which requires filing of a civil action within two (2) years, or, if the violation is willful, three (3) years of the date of the alleged violation regardless of whether an administrative complaint has been filed. *See* 29 C.F.R. § 1614.408.

DOL Harassing Conduct Policy
(addresses harassment based on certain protected characteristics)

DOL does not tolerate harassing conduct in the workplace and, through the use of [the Harassing Conduct Policy](#), takes all necessary steps to ensure that this type of conduct is prevented before it becomes severe and/or pervasive. Harassing conduct is defined as any unwelcome verbal or physical conduct based on race, color, religion, sex (including pregnancy and gender identity), national origin, age, disability, genetic information, parental status, and sexual orientation, when the conduct either (1) can reasonably be considered to adversely affect the work environment, or (2) results in an employment decision affecting the employee and is based upon the employee’s acceptance or rejection of such conduct.

Any employee who believes that he or she has been the subject of, or has witnessed, an incident of such harassing conduct must report the matter promptly: to anyone in the complainant's supervisory chain; or to his or her [Agency EEO Manager](#) in the National Office; or, for regional employees, to the Regional Administrator, OASAM. The [Agency EEO Manager](#) is responsible for administering the [Harassing Conduct Policy](#), and therefore cannot review allegations of harassing conduct unless they are reported to management. Additionally, if the employee is in the bargaining unit of the American Federation of Government Employees (AFGE) Local 12, the National Council of Field Labor Locals (NCFLL) or the National Union of Labor Investigators (NULI), they may report instances of harassing conduct to the union as well, which will in turn report these allegations to the [Agency’s EEO Manager](#).

Bargaining Unit Procedures

1. **With regard to discrimination:** Under negotiated grievance procedures, any DOL employee who is in the AFGE Local 12 or the NULI bargaining units may file allegations of discrimination under the negotiated grievance procedures of their respective bargaining unit. Employees within the AFGE Local 12 or NULI bargaining units must choose whether the allegations of discrimination will be processed under the negotiated grievance procedure or under the EEO complaint procedure. Employees should consult the relevant collective bargaining agreement on applicable timeframes for filing grievances. An election of either procedure will be determined by whichever is filed first, the grievance or the formal EEO complaint. Please note, however,

that contacting an EEO Counselor and/or filing an informal complaint under the EEO complaint process does not constitute filing a formal EEO complaint.

In the event that an employee who is in the NCFLL bargaining unit files a grievance and also files or pursues an informal EEO complaint concerning the same matter, the grievance will be held in abeyance. If the matter is not resolved during the informal EEO process, the employee can resurrect the grievance concerning non-EEO matters or pursue a formal EEO complaint. If the employee files a formal EEO complaint, the grievance will be terminated. Should the EEO complaint be dismissed on a technicality or for a non-substantive reason, the NCFLL or the affected employee may resurrect the grievance in connection with any non-EEO issues within 30 calendar days of receipt of the Department's EEO complaint decision by notifying the appropriate management official at the last processed step of the grievance procedure.

2. With regard to bullying, harassment, intimidation, and other aggressive behavior: Any DOL employee who is in the AFGE Local 12, the NULI or the NCFLL bargaining units may file a grievance under his/her respective collective bargaining agreements and cite the [DOL Workplace Violence Program](#) in addition to any applicable provisions of those Contracts.

Workplace Violence Program

DOL maintains a clear policy to promote a safe working environment for employees and the visiting public as well as to work with employees to maintain a working environment free from violence, harassment, intimidation and other disruptive behavior. Violence or threats of violence, in all forms, are unacceptable and will be dealt with appropriately. In this program, "intimidating or harassing behavior" includes threats or other conduct which in any way: creates a hostile environment; impairs agency operations; or frightens, alarms or inhibits others. Psychological intimidation or harassment includes making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Note that this program covers all employees and is not limited to behavior related to protected personal characteristics. Affected individuals should notify their supervisor if they feel that they are facing threats of violence or, if the aggressor is their supervisor, an individual in their supervisory chain of command; if this is insufficient, affected individuals should utilize resources available under DOL's [Workplace Violence Program](#). If the employee is in the bargaining units of AFGE Local 12, NCFLL, or NULI, they may report such conduct to the union as well.

Employee Assistance Program (EAP)

(800) 222-0364; TTY: (888) 262-7848

[The Employee Assistance Program \(EAP\)](#) is a professionally staffed service provided by DOL at no cost to participants through an interagency agreement between DOL and [Federal Occupational Health \(FOH\)](#). Services are available to all National Office and regional employees 24 hours a day, 7 days a week to help resolve a variety of workplace-related issues. Affected individuals can [contact EAP](#) if they so choose.

Uniformed Services Employment & Reemployment Rights Act (USERRA)

USERRA covers virtually every individual in the country who has served, who presently serves or plans to serve in the uniformed services, and applies to virtually all employers in the public and private sectors, including federal agencies. DOL, through the Veterans' Employment and Training Service (VETS), provides assistance to all persons having claims under USERRA. Among other services, VETS provides technical assistance to both employers and employees alike, and investigates complaints received from individuals who believe their USERRA employment and reemployment rights were violated.

If an individual:

- is a past or present member of a uniformed service (including active military, national guard or reserve, among others);
- has applied for membership in a uniformed service; or
- is obligated to serve in the uniformed services;

then an employer may not deny:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment due in any part to that past, present, or future military status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection. Affected individuals should [contact VETS](#) for further information.

[Office of Inspector General](#)
(202) 693-6999 or 1-800-347-3756

The Department of Labor's Office of Inspector General (OIG) operates a [hotline](#) to receive and process allegations of fraud, waste and abuse concerning DOL grants, contracts, programs and operations. The OIG also addresses allegations of criminal activity and serious misconduct involving DOL employees. Affected individuals should [contact OIG](#) for further information.

[Office of Special Counsel \(OSC\)](#)
(202) 254-3600

[The Office of Special Counsel \(OSC\)](#) is an independent federal investigative and prosecutorial agency whose primary mission is to protect federal employees and applicants for federal employment from "[prohibited personnel practices.](#)" Generally, the OSC protects federal employees under applicable federal statutes regarding prohibited personnel practices ([Civil Service Reform Act](#)), whistleblowing ([Whistleblower Protection Act](#)), political activity ([Hatch Act](#)) and veterans' employment rights ([USERRA](#)). Affected individuals may [contact OSC](#) if it is believed they have a claim falling under its jurisdictional authority.

Merit Systems Protection Board (MSPB)

(202) 653-7200

The Merit Systems Protection Board (MSPB) is empowered to hear and decide complaints for corrective or disciplinary action when an agency is alleged to have committed a “prohibited personnel practice.” Examples of actions appealable to the MSPB include:

1. Denial of a within-grade increase;
2. Suspension for greater than 14 days;
3. Reduction-in-grade;
4. Furloughs for 30 days or less; and
5. Removal.

A complete list of actions appealable to the MSPB can be found [here](#). Additional information about the MSPB can be found [here](#). Affected individuals may [contact the MSPB](#) to determine whether they have a claim falling under the MSPB’s jurisdictional authority.

Federal Labor Relations Authority

(202) 218-7770

The FLRA is an independent administrative federal agency created by Title VII of the [Civil Service Reform Act](#). The [Federal Service Labor-Management Relations Statute](#) (the Statute) creates rights and obligations on the part of unions, agency management, and employees. If a party believes that either labor or management fails to perform its obligation to the other party, it may file an [unfair labor practice \(ULP\) charge may be filed](#). A ULP charge may also be filed if either labor or management interferes with the rights each has been given under the Statute. Employees may also protect their rights under the Statute by filing ULP charges against labor or management. For example, it is illegal for agency management to threaten or retaliate against employees for seeking union representation or to refuse to provide a union information that the law requires the agency to provide. Similarly, unions may not try to influence management to discipline employees who did not join the union or refuse to represent employees because they are not union members. Neither an agency nor a union may refuse to bargain with the other in good faith. Affected individuals may [contact the FLRA](#) to determine whether they have a claim falling under the FLRA’s jurisdictional authority.