



*UNITED STATES*  
DEPARTMENT OF TRANSPORTATION

Office of the Secretary (OST)  
Departmental Office of Civil Rights (DOCR)

COMPLIANCE OPERATIONS DIVISION

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Tami L. Wright  
Associate Director  
The EEO Process

# Purpose of this session

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This discussion covers the EEO Process and discusses DOT's procedures for initiating and processing complaints of alleged discrimination.

This instruction applies to all DOT employees, former employees, and applicants for employment.



# Learning Objectives

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After completing this course, you will be able to:

- Identify DOT procedures regarding the EEO process
- Identify different bases of discrimination
- Describe the steps in the EEO informal and formal complaint process

# Mission Statement

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The mission of the Departmental Office of Civil Rights (DOCR) Compliance Operations Division (S-34) is to prevent and eliminate unlawful discrimination; and to resolve, process, and adjudicate formal Equal Employment Opportunity (EEO) complaints of discrimination.

# What Laws and Policies do we enforce?

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- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Rehabilitation Act of 1973
- Equal Pay Act of 1963
- Genetic Information Nondiscrimination Act of 2008



# U.S. Department of Transportation's Sexual Orientation Policy

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- ▶ It is the Department of Transportation's policy that no employee or applicant for employment will be discriminated against on the basis of his/her sexual orientation.
- ▶ An Executive Order 13087 was issued on May 28, 1998, preventing discrimination on the basis of sexual orientation. Secretary Norman Y. Mineta in 2001, implemented a DOT policy preventing discrimination on the basis of sexual orientation.
- ▶ Only a Final Agency Decision (FAD) will be issued on the claims with a basis of sexual orientation by DOT, with no appeal rights to the EEOC.

# What do these laws and policies prohibit?

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These laws and policies prohibit an employer from discriminating against an employee, former employee, or an applicant for employment based upon:

- Race
- Color
- Sex (Gender, Gender Identity, Pregnancy)
- National Origin
- Religion
- Reprisal for participation in the EEO process or opposition to discriminatory employment practices
- Disability (Mental or Physical)
- Age (40 or older)
- Genetic Information
- Sexual Orientation

# Informal Stage

## Pre-complaint counseling by an EEO counselor

- The Aggrieved Individual must contact an EEO official or counselor within **45 days** of the alleged discriminatory event.
- Calendar days are used in the EEO Process.
- The Aggrieved Individual has the right to anonymity throughout the informal stage.
- The Aggrieved Individual has the right to representation during all stages of the complaint process.



# Pre-complaint counseling by an EEO counselor (cont.)

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- The EEO Counselor must attempt resolution of complaints at the lowest possible level. These attempts may include Alternative Dispute Resolution (ADR).
- The Complainant has the option to elect traditional counseling or ADR; but not both.

## EEO Counselors have 30 days to attempt resolution.

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- If counseling is not completed within 30 days, the Aggrieved may agree to extend the counseling period for no more than an additional 60 days.
- The Informal Process is not to exceed 90 days total.

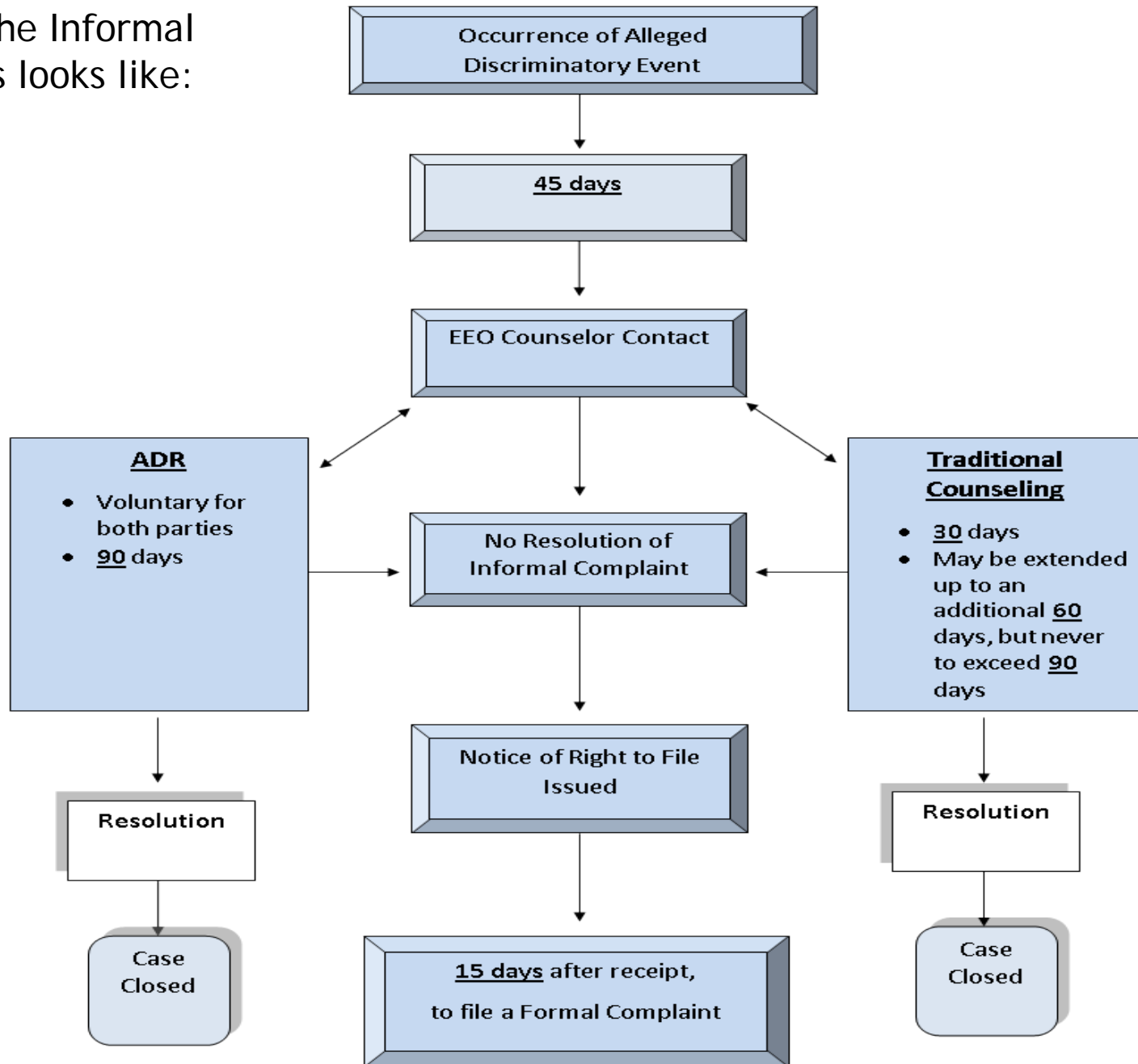
# Upon completion of the EEO Counseling

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A Notice of Right to File a Formal Complaint of Discrimination will be issued.

Formal complaints must be filed within 15 calendar days of receipt of the Notice of Right to File.

# What the Informal Process looks like:



# Formal Stage

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Formal Complaints must be filed with the  
Departmental Office of Civil Rights  
Associate Director,  
Compliance Operations Division.

**S-34**

## Formal Stage

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Complaints will be reviewed and will be accepted and/or dismissed for any reason authorized by 29 C.F.R. § 1614.107

*Examples: Failure to state a claim, untimely filing and/or untimely EEO contact, claim is the basis of a pending civil action in a U.S. District Court, etc.*

## If the Complaint is Dismissed...

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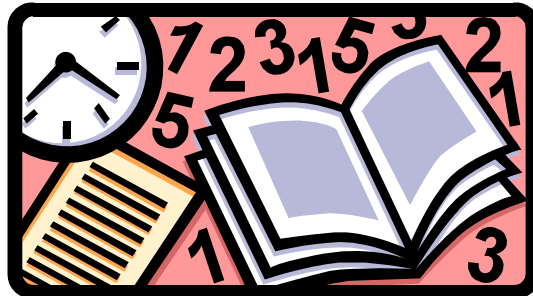
The Complainant may appeal the dismissal to the Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO).

## If the Complaint is Accepted...

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If a complaint is accepted, it will be processed in accordance with 29 C.F.R. § 1614.108.

A Report of Investigation (ROI) will be issued within **180 calendar days** from the date of the filing of the formal complaint.





# Investigating the Accepted Complaint

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The investigation will be conducted by a DOT investigator or a contract investigator working for DOT.

The investigator's role is to conduct a neutral and impartial fact finding investigation.

All federal employees **MUST** cooperate with the Investigator.

# Investigating the Accepted Complaint

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-  The investigator will take sworn affidavits from witnesses he/she determines have relevant information.
-  The investigator will also obtain relevant documentary evidence pertinent to the alleged claim(s).

# Investigating the Accepted Complaint

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The Report of Investigation will not contain a decision.

# Investigating the Accepted Complaint

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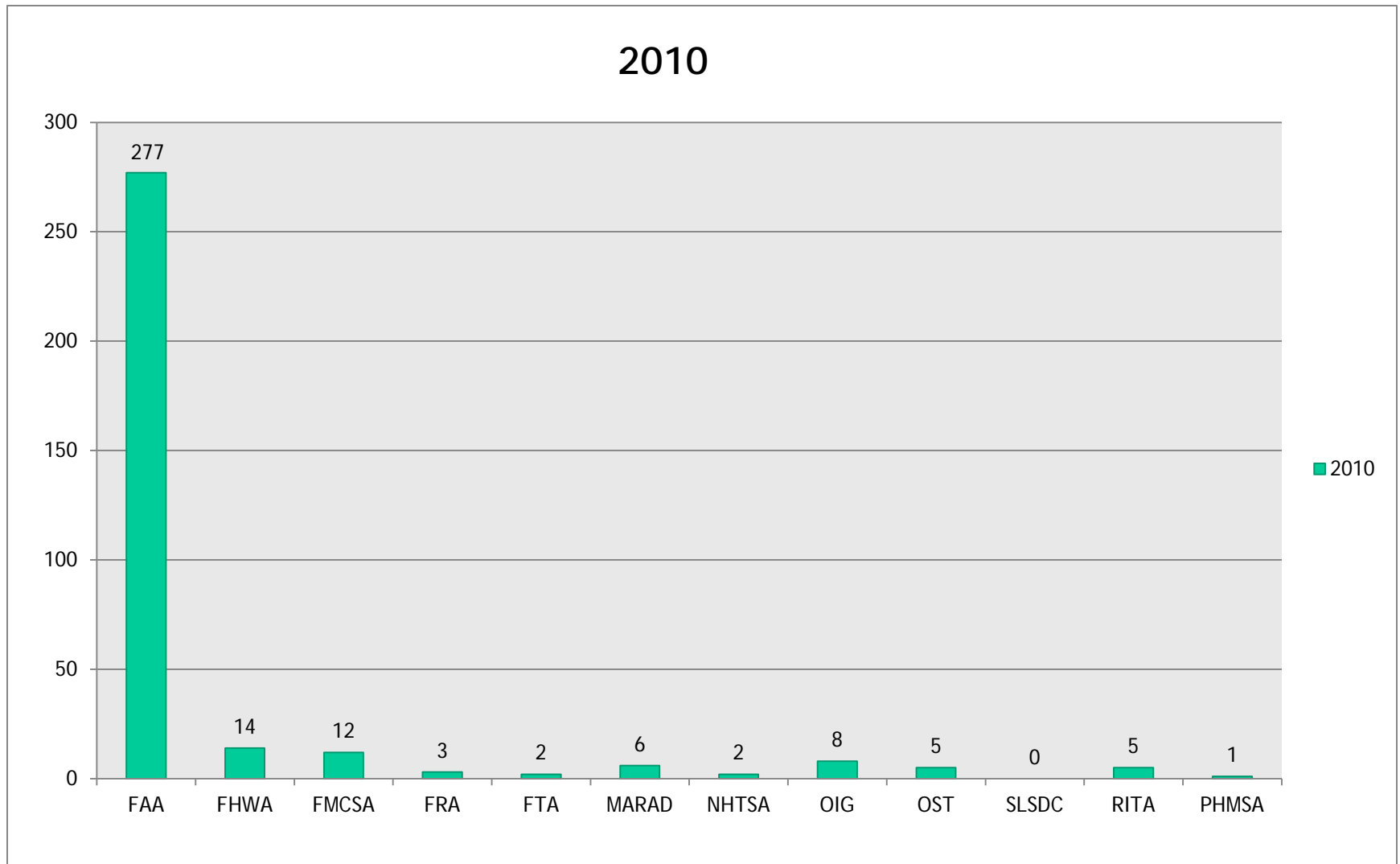
A copy of the Report of Investigation will be furnished to the Complainant, the Complainant's representative if applicable, and to the Operating Administration's civil rights office.

## Upon receipt of the Report of Investigation, the Complainant will:

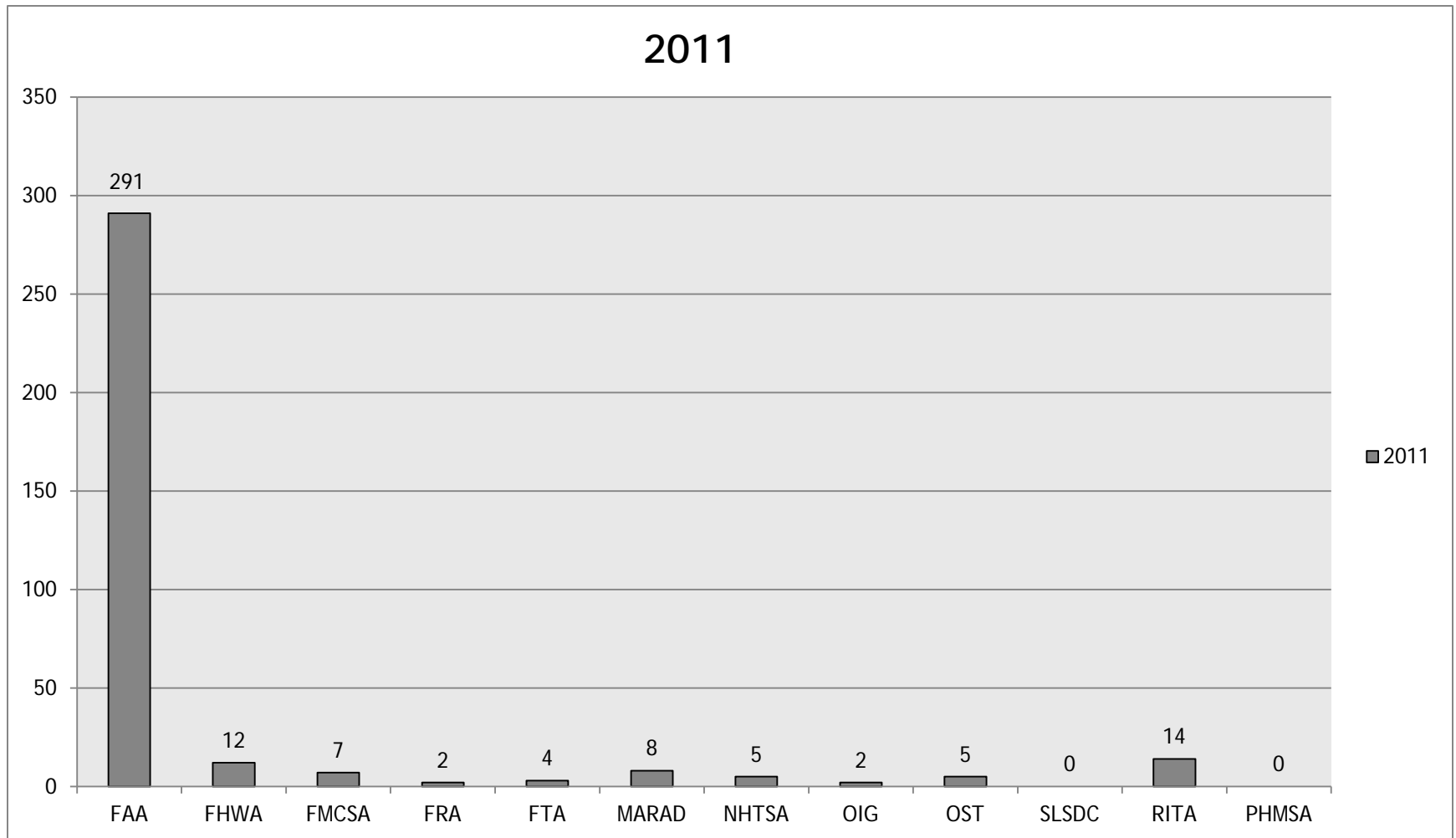
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- Have 30 days to either request a hearing before the EEOC or request a Final Agency Decision (FAD);
- Absent an election by the Complainant upon receipt of the ROI, the complaint will be processed for a Final Agency Decision.

# Formal Complaints listed by Operating Administration For Fiscal Year 2010



# Formal Complaints listed by Operating Administration For Fiscal Year 2011



## Number of Complaints by Operating Administration compared to Number of Employees (Per Capita)

	Fiscal Year 2010	
Number of Employees for each Operating Administration as of 09/30/2010	Operating Administration	Percentage of Formal Complaints Filed for FY 2010 based on the number of Employees
48,594	FAA	0.57
3,031	FHWA	0.46
1,080	FMCSA	1.11
850	FRA	0.35
578	FTA	0.35
828	MARAD	0.72
609	NHTSA	0.33
449	OIG	1.78
749	OST	0.67
138	SLSDC	0
719	RITA	0.70
430	PHMSA	0.23



## Number of Complaints by Operating Administration compared to Number of Employees (Per Capita)

	Fiscal Year 2011	
Number of Employees for each Operating Administration as of 09/30/2011	Operating Administration	Percentage of Formal Complaints Filed for FY 2011 based on the number of Employees
48,262	FAA	0.60
3,032	FHWA	0.39
1,116	FMCSA	0.63
867	FRA	0.23
575	FTA	0.69
819	MARAD	0.98
599	NHTSA	0.83
465	OIG	0.43
757	OST	0.66
134	SLSDC	0
714	RITA	1.96
444	PHMSA	0

# Points of Contact

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## Compliance Operations Division

Tami L. Wright, Associate Director

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(202) 366-5988

Patricia Fields, Program Assistant and Complaint Intake

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# Points of Contact: Case Management Branch

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**Judy Sommers**, Chief, Case Management Branch

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## DOT Investigators

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Timothy Aklar, EEO Specialist

Yvette Alton, EEO Specialist

Eva Lacey, EEO Specialist

Michael Lewis, EEO Specialist

Sylvia Phillips, EEO Specialist

# Points of Contact: Compliance Branch

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Lynetta Miller, Contractor

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# Contact List for EEO Counseling listed by Operating Administration

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## Office of the Secretary

Monica Waldron

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(202) 366-9670

## Office of the Inspector General

Madeline Chulumovich

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## Federal Aviation Administration

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## Federal Highway Administration

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## Federal Railroad Administration

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## National Highway Traffic Safety Administration

Pattie Tom (Acting)

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## Maritime Administration

Phyllis Stephenson

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# Contact List for EEO Counseling listed by Operating Administration

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## Pipeline and Hazardous Materials Safety Administration

Helen Hagin

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## Saint Lawrence Seaway Development Corporation

Vicki Garcia

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## Research and Innovative Technology Administration

Helen Blackman [helen.blackman@dot.gov](mailto:helen.blackman@dot.gov) (617) 494-3095

Darrell Bogan (Volpe) [darrell.bogan@dot.gov](mailto:darrell.bogan@dot.gov)

## Federal Motor Carrier Safety Administration

Carolyn Butler

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(202) 366-3559

# Training References

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- [www.eeoc.gov](http://www.eeoc.gov) (click on federal agencies)
- Management Directive 110 (MD-110)
- 29 C.F.R. Part 1614
- Title VII of the Civil Rights Act of 1964, as Amended
  - 42 U.S.C. § 2000(e)-16
  - Civil Rights Act of 1991 revised the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), to include damages
- Age Discrimination in Employment Act of 1967
  - (Pub. L. 90-202) (ADEA), *as amended*, 29 U.S.C. *beginning at section 621.*
- The Americans with Disabilities Act of 1990 (ADA), as amended, (42 U.S.C. starts at 12101), (Pub. L. 101-336)

# Training References

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- Equal Pay Act of 1963 (Pub. L. 88-38) (EPA)
  - 29 U.S.C. 206(d), 29 CFR Part 1604, 1620, & 1621
- ADA Amendments Act of 2008 (ADAAA)
  - (PL 110-325 (S 3406))
- The Rehabilitation Act of 1973, as amended
  - 29 U.S.C. § 791 (§ 501) and 794 (§ 505)
- 2011 DOT Policy Statement on Employment and Advancement of Reasonable Accommodations



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Thank you for attending!