

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



# Charter

## Ombudsman

### Executive Secretariat and Ombudsman



*A New Day for the Civil Service*

CHARTER  
OFFICE OF THE OMBUDSMAN  
OFFICE OF THE EXECUTIVE SECRETARIAT AND  
OMBUDSMAN  
OFFICE OF PERSONNEL MANAGEMENT

ARTICLE I. Purpose: The Office of Personnel Management establishes the Office of the Ombudsman in the Office of the Executive Secretariat and Ombudsman to provide a neutral, independent and confidential resource that will allow customers and employees of the Agency to:

- A. raise and resolve issues of concern or complaints regarding the Agency meeting quality and timeliness standards, requirements and expectations;
- B. provide information on existing means available to address complaints or concerns, such as through the Equal Employment Opportunity, administrative grievance or negotiated grievance complaint processes;
- C. facilitate recognition, prevention and resolution of workplace disputes without resorting to formal means of dispute resolution
- D. provide anonymity to any party wishing to raise a workplace issue;
- E. provide Agency leadership with an independent source of information about persistent, continuing or systemic concerns and issues that may merit attention.
- F. otherwise assist in coordinating the process by which questions or concerns are appropriately addressed.
- G. facilitate review of OPM processes or procedures which may adversely affect OPM's mission, workplace, or employee morale.

ARTICLE II. Principles: The Ombudsman shall:

- A. Remain neutral in any matter within the Ombudsman's purview and shall avoid taking, or appearing to take, sides in any dispute, conflict or disagreement;
- B. Remain free from the control or interference of any OPM employee in carrying out the Ombudsman's duties;
- C. Encourage open and effective communications between and among all OPM managers and employees, and our customers to discuss and resolve issues affecting OPM;
- D. Maintain the confidentiality of dispute resolution communications made by employees, including managers and supervisors, unless the party making the disclosure consents to disclosure or as required by law; and
- E. Maintain informality in his/her duties to the extent possible.

ARTICLE III. Responsibilities: The OPM Ombudsman shall:

- A. Report directly to the XX, Office of the Executive Secretariat and Ombudsman, who shall be solely responsible for the Ombudsman's activities;
- B. Educate all OPM employees concerning the Ombudsman's activities and related employment issues;
- C. Exercise discretion in investigating, or otherwise pursuing, any matter raised relating to or affecting any workplace or operations issue;
- D. Use any appropriate Alternative Dispute Resolution process, if practical, to resolve any matter within the Ombudsman's purview;
- E. Have access to any OPM manager, supervisor or other employee to perform Ombudsman's duties;
- F. Not disclose any communications from OPM employees, including managers or supervisors, on any matter within Ombudsman's purview, except upon the consent of the party providing the information or as required by law;
- G. Establish record policies concerning any information received or disseminated by the Ombudsman in the course of his/her official duties;
- H. Prepare annual reports concerning OPM matters and issues within the Ombudsman's purview within 15 days of the year's end; and
- I. Provide appropriate recommendations to resolve workplace disputes or issues.

ARTICLE IV. Limitations: The OPM Ombudsman shall not:

- A. Advocate for the interests of, or represent, any individual employee;
- B. Pursue or continue to pursue any matter subject to a formal statutory or regulatory appeal process.
- C. Address employee representation issues for employees covered by the Agency's collective bargaining agreement with the American Federation of Government Employees (AFGE), unless such contact is made consistent with a memorandum of understanding between AFGE and the Office.
- D. Replace, supplant, take the place of or otherwise delay deadlines associated with complaints of employment discrimination under Equal Employment Opportunity Commission regulations, or Agency Administrative Grievance procedures;
- E. Decide, or attempt to decide, any matter concerning any workplace issue or dispute;
- F. Exercise administrative, supervisory or other control over any OPM

employee;

- G. Establish, or attempt to establish, any regulation, rule or policy affecting any other employer or organization within OPM;
- H. Shall not be assigned any duties which are inconsistent with the duties of Ombudsman established under this Charter.

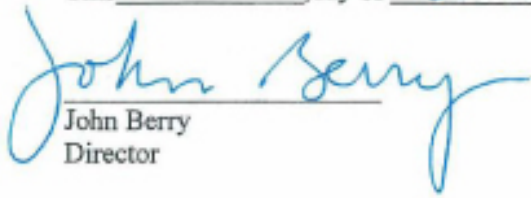
ARTICLE V. Estimated Annual Operating Cost and Full Time Equivalent

The initial start up and salary and benefits costs are expected to be approximately \$400,000, with 3 FTE immediately and 1 additional as workload dictates.

ARTICLE VI. Amendments: The Director, OPM, may amend this charter at any time.

Approved:

This 11<sup>th</sup>, day of December, 2009

  
John Berry  
Director