

Reclamation Manual

Directives and Standards

Subject:	Title VII Equal Employment Opportunity (EEO) Pre-complaint Processing Evaluations
Purpose:	To outline requirements and establish standards for conducting pre-complaint processing evaluations that effectively assess the Bureau of Reclamation's continued EEO efforts. The benefits of this Directive and Standard (D&S) are twofold: 1) maintain an effective pre-complaint process; and 2) improve EEO program effectiveness and delivery of services.
Authority:	Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended and related civil rights laws; 29 Code of Federal Regulations (CFR) 1614, Parts 102(a)(1-10), (b)(1-7) and (c)(1-5); Office of Management and Budget Circular No. A-123; Executive Order 11478, <i>Equal Employment Opportunity in the Federal Government</i> ; Equal Employment Opportunity Commission (EEOC), Management Directive 110 (MD-110) and Management Directive 715 (MD-715); and Departmental Manual (DM) Series 15, Part 373, Chapter 5 (373 DM 5).
Approving Official:	Director, Policy and Administration
Contact:	Civil Rights Division (CRD), 84-59000

1. **Introduction.** 29 CFR Part 1614.102(a)(10) requires agencies to “*establish a system for periodically evaluating the effectiveness of the agency’s overall EEO effort.*¹” EEO program evaluations and such internal controls, including Pre-complaint Processing Evaluations (evaluation), are vital to maintaining the highest level of effectiveness and efficiency in order to comply with statutory and regulatory requirements. Reclamation must maintain effective systems for assessing and evaluating its EEO programs to ensure alignment with its overall strategic goals and objectives. Additionally, MD-715 requires agencies to establish and maintain a system of accountability for affirmative programs of EEO led by the six essential elements of a model EEO program: demonstrated commitment from agency leadership; integration of EEO into the agency’s strategic mission; management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance.
2. **Applicability.** This D&S applies to all Reclamation employees.
3. **Definitions.**
 - A. **Compliance.** Conformity in fulfilling the official requirements of the pre-complaint process pursuant to established laws, regulations, and directives.

¹The Department of the Interior, Office of Civil Rights conducts EEO program evaluations for the bureau headquarters EEO offices, which includes Reclamation’s Denver/Washington EEO office.

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- B. **Corrective Action/Preventative Action (CAPA).** An improvement measure to an organization's policies, practices, and procedures taken to eliminate non-compliance. Most CAPA situations call for the establishment of a specific plan of action designed to correct non-compliance in order to meet regulatory requirements and enhance efficiency.
 - C. **Entrance Conference.** A meeting scheduled by the evaluation team with the regional director prior to conducting an evaluation, to explain the purpose, scope, and methodology of the evaluation, introduce members of the evaluation team, and address questions or concerns prior to the start of the evaluation.
 - D. **Exception.** A disagreement by a reviewer to the potential finding of a violation of law or a material weakness found in the assessment of the EEO pre-complaint process.
 - E. **Exit Conference.** A meeting scheduled by the evaluation team with the regional director at the end of the evaluation to report on preliminary observations and findings, specifically, the areas identified as non-compliant as well as identifying best practices, reviewing recommended CAPAs, and addressing questions or concerns post-evaluation.
 - F. **Final Report.** A written narrative describing in detail the result of the evaluation.
 - G. **Interview.** A planned conversation where questions are asked by the evaluation team to obtain relevant information from employees about particular subjects and are most essential to the evaluation.
 - H. **Pre-complaint.** Either an alleged claim of discrimination based on one or more protected bases (i.e., race, color, sex (including pregnancy), national origin, age (40 or older), religion, physical/mental disability, genetic information, sexual orientation and status as a parent), or an alleged claim of reprisal, initiated with an EEO counselor within 45 days from the date the alleged issue or action occurred.
 - I. **Program Evaluation.** A systematic method designed to measure the effectiveness of an agency's overall EEO program and validation of self-assessment efforts in accordance with MD-110, MD-715, and 373 DM 5 requirements.
 - J. **Records.** A body of information, either electronic or hard-copy, and/or statistics gathered over a period of time, which is maintained in accordance with applicable federal records retention regulations and policies.
4. **Responsibilities.**
- A. **Commissioner.** The Commissioner is responsible for meeting the requirements set forth in 29 CFR 1614, specifically, ensuring that Reclamation has a system in place for evaluating the effectiveness of its overall EEO effort and to ensure Reclamation

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institutes and maintains an effective pre-complaint process. The Commissioner accomplishes this directly through a broad delegation of authority² for civil rights and through directors, managers, and supervisors.

- B. Reclamation Leadership Team (RLT).** The RLT is responsible for demonstrating a firm commitment to promote equal opportunity and communicating that commitment throughout Reclamation.
- C. Director, Policy and Administration.** The Director, Policy and Administration is responsible for the oversight of Reclamation's Title VII evaluations, including the pre-complaint process and shall:
- (1) ensure policy and D&Ss are developed, established, and implemented;
 - (2) review and monitor compliance with established policy and standards;
 - (3) provide necessary support and resources to the manager CRD to ensure compliance with the requirements of this D&S; and
 - (4) review and submit the final evaluation report to the regional director.
- D. Manager, CRD.** The Manager, CRD is responsible for supervising the implementation of Reclamation's evaluations and shall:
- (1) develop, establish, and implement policy and D&Ss;
 - (2) coordinate Reclamation-wide efforts to ensure on-site evaluations are conducted in accordance with related civil rights laws, EEOC management directives, departmental policy, and this D&S;
 - (3) provide necessary support, resources, and information to ensure on-site evaluations are conducted and completed;
 - (4) review and determine sufficiency of CAPA plans and monitor compliance; and
 - (5) report to the Director, Policy and Administration; the Deputy Commissioners, and the Commissioner on the status of evaluations.

²Departmental Manual, General Delegations, Equal Opportunity Program Series 3, Part 205, Chapter 17.

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- E. **Regional Directors**³. The regional directors are responsible for:
- (1) ensuring that directors, managers, and supervisors implement and practice EEO principles;
 - (2) funding the evaluations and ensuring full cooperation of all personnel [i.e., EEO staff, EEO counselors, human resources (HR) staff, directors, managers, supervisors, and employees] to take part in evaluation ;
 - (3) ensuring compliance with local union notification requirements, if applicable;
 - (4) ensuring compliance with requirements of this D&S including regularly evaluating its pre-complaint process and ensuring the results of evaluation are followed; and
 - (5) developing a CAPA plan (if needed) with the EEO manager and completing the required actions as a result of the evaluation in order to meet regulatory compliance.
- F. **Regional EEO Managers**. Regional EEO managers are responsible for:
- (1) effecting compliance with the requirements of this D&S;
 - (2) preparing and submitting documents required for the evaluation;
 - (3) cooperating and actively participating in the evaluation to ensure its successful completion;
 - (1) developing a CAPA plan with the regional director and working to complete required actions resulting from the evaluation;
 - (4) regularly briefing the regional director on the status of the pre-complaint process;
 - (5) establishing and maintaining a continuing and effective pre-complaint process under the supervision of the regional director; and
 - (6) serving, as requested, as a member of the evaluation team and carrying out assigned responsibilities.
- G. **Regional HR Managers**. Regional HR managers are responsible for:
- (1) ensuring compliance with the requirements of this D&S;
 - (2) ensuring compliance with local union notification requirements, if applicable;

³These responsibilities are in addition to the regional director's responsibilities as a member of the RLT which are identified in Paragraph 4.B.

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- (3) preparing and submitting documents required for the evaluation to the EEO manager and the evaluation team; and
 - (4) cooperating and actively participating in the evaluation to ensure its successful completion.
- H. **Area Managers, Managers, and Supervisors.** Area managers, managers, and supervisors are responsible for cooperating and actively participating in the evaluation to ensure its successful completion.
- I. **Employees.** Employees are responsible for cooperating and actively participating in the evaluation to ensure its successful completion.
- J. **Team Lead.** The Team lead is an employee of the CRD and is responsible for:
- (1) leading and coordinating the on-site evaluation;
 - (2) developing a formal evaluation plan;
 - (3) collecting and analyzing documentation in advance of the evaluation;
 - (4) conducting the entrance and exit conferences;
 - (5) conducting in-person and/or telephone interviews;
 - (6) ensuring an independent evaluation process;
 - (7) providing effective input to improve EEO processes and deficiencies identified during the evaluation;
 - (8) providing timely and effective analysis of findings;
 - (9) writing the final report; and
 - (10) monitoring compliance.
5. **Program Evaluation.** Program evaluations show regional directors and inform Reclamation, the extent to which their EEO program, including their pre-complaint process, is being conducted and operated in compliance with Federal, departmental, and EEO laws; policies; regulations; and Reclamation-specific civil rights requirements.
- A. The CRD will conduct regular and reoccurring evaluations of each region's pre-complaint process to ensure statutory and regulatory compliance.
 - B. An evaluation is intended as part of a proactive effort to assess the commitment and effort demonstrated by management in implementing an effective EEO program and

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the awareness and attitude of employees regarding the EEO program, including the pre-complaint process. The evaluation will also include area/field offices.

- C. An evaluation consists of a predetermined set of standards, including but not limited to, an on-site visit at a regional office and/or area/field office, visual inspection of bulletin boards, review of pre-complaint files, a review of EEOC MD-110 requirements and MD-715-01 (Part G), specifically those elements and questions pertaining to the pre-complaint process, and an EEO survey for managers, supervisors, and employees. The evaluation will also consist of interviews with EEO staff, EEO counselors, HR officers, Employee Relations and Labor Relations (ER/LR) employees, directors, managers, supervisors; and employees from both the regional and area/field offices, (if an interview is requested). Official time will be used to participate in the evaluation and the EEO survey.
6. **Evaluation Frequency and Selection.** Each regional EEO office will be reviewed every 3 years. Selections of evaluations will be based on the date the last evaluation was conducted, frequency of complaints, and/or at a request from the regional director. Pre-complaint processing evaluation selection will be determined by the CRD Manager, as necessary.
7. **Evaluation Team.** The evaluation team will be led by a member of the CRD staff. The team lead will coordinate the evaluation and perform a number of activities before, during, and after the evaluation.
8. **Pre-evaluation Activities.**
- A. **Notification of the Evaluation.** The regional director will be notified through a formal memorandum of the evaluation being scheduled at their region and will outline the specific dates, purpose of the evaluation, identifying the evaluation team, and other administrative requests. The written notification will require the regional director to inform directors, managers, supervisors, EEO, HR, ER/LR staffs, and employees, in writing, that they may be provided the opportunity to participate in an EEO survey to determine the climate of the EEO pre-complaint process.
- B. **Document Request.** The regional EEO manager will receive a formal request listing the documents required for the evaluation. The list of requested documents is not all inclusive and does not preclude the evaluation team from requesting additional documents during the on-site evaluation, if necessary.
9. **Evaluation Activities.** Major on-site activities of the evaluation include the meeting with the regional EEO manager, EEO staff, in-person or telephone interviews, record examinations, visual inspection of the work environment and official bulletin boards, analysis of EEO statistical data and observations. Employees will be provided the opportunity to participate in an EEO survey to determine the climate of the EEO program.

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The scope and extent of the interviews, record examinations, and observations depend on the nature of the operation and other issues that need to be addressed to determine compliance.

- A. **Entrance Conference.** An entrance conference with the regional director will be scheduled prior to arrival of the evaluation team. The purpose of the entrance conference is to give the regional director and the regional EEO manager an overview of what the evaluation team will do, what the evaluation team is looking for, how information will be collected, and what occurs at the end of the on-site evaluation.
- B. **Records Collection and Examination.** Regional offices are required to permit the evaluation team access during normal business hours to records, files, printouts, and other sources of information necessary to determine compliance with EEO and civil rights laws and regulations. Record examinations must be relevant to the issues being reviewed. Records include, but are not limited to EEO complaint files, performance appraisals, official personnel files (e.g., position descriptions, performance plans), training records, individual development plans, and complaint statistics.
- C. **On-Site Inspections.** The evaluation team will visually inspect complaint files and employee bulletin boards at the regional and/or area/field offices (e.g., public posting of EEO posters, notices, and EEO policy statements).
- D. **Interviews.** The evaluation team will conduct interviews with EEO staff, EEO counselors, directors, managers, and supervisors to gather information on the status of the pre-complaint process.
 - (1) When conducting an interview, the evaluation team will explain the evaluation process, how confidentiality will be adhered to, and that no names will be used during the exit conference with management or as part of the final report.
 - (2) Information collected during interviews and from the EEO survey will help the evaluation team to: correlate, identify, and explain EEO program policies and employee awareness of the EEO pre-complaints process; identify additional issues that need review; and understand employee perceptions regarding the EEO climate in the region.
 - (3) Interviews can take different forms such as checklists with closed ended (yes/no) responses; follow-up open ended questions that require narrative responses; or a combination of these formats.
 - (4) Telephone interviews will be conducted only when it is not feasible to conduct an in-person interview. For example, an employee or manager stationed at an area or field office may be interviewed via telephone.

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- (5) The regional office is responsible for providing special accommodations (e.g., sign language interpreter) if requested. The team lead will notify the regional office ahead of time if a special accommodation is needed for an interviewee.

E. **Exit Conference.** Upon conclusion of the evaluation, the evaluation team will hold an exit conference with the regional director to report preliminary results of the evaluation.

10. Post-Evaluation Activities.

A. Draft Report.

- (1) A draft report of the evaluation will be developed by combining the findings (i.e., including non-compliance in any program) and recommendations (if any) from each evaluation team member. The draft report will be issued to the regional director and the regional EEO manager within 45 calendar days of the completion of the on-site evaluation. The draft report will include a summary of the information obtained, a list of best practices, specific findings of fact, and a determination of compliance with recommendations to correct any non-compliant area. The draft report will contain only the facts and evidence gathered during the review, such as copies of records, statistical data, policies, practices, analysis from the responses from the EEO survey, and other documents reviewed.
- (2) After review of the draft report, the regional director will have 15 calendar days to provide comments or exceptions, in writing, to the CRD Manager prior to the draft report being finalized. The CRD Manager will consider and/or address the comments or exceptions within 15 calendar days. Any revisions to the draft report will be discussed and agreed upon with the regional director and the EEO manager. If no revision or further action is necessary, the CRD Manager will prepare the final report for issuance by the Director, Policy and Administration. The final report will determine if a CAPA plan is required.
- (3) If a CAPA plan is required, the regional director will submit the CAPA plan to the CRD Manager within 15 calendar days of receipt of the final report, identifying the corrective actions to be taken on the areas that have been identified non-compliant and dates for completion. Upon receipt of the CAPA plan from the regional director, the CRD Manager, within 10 calendar days, will determine sufficiency of the corrective action(s). If the corrective action(s) is/are sufficient, the CRD Manager will monitor compliance.

B. **Final Report.** The final report will include all the areas identified in A. (1), (2), and (3), if a CAPA plan is required.

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- C. **Report Format.** Both reports (i.e., draft and final) will meet Reclamation's visual identity requirements and include a cover page, table of contents, executive summary, best practices/notable achievements, results and recommendations, acknowledgements, and attachments (if any).
11. **Monitoring Compliance.** The CRD Manager and the team lead, will work on a monthly basis with the regional director and the regional EEO manager to monitor compliance. A final memorandum will be issued to the regional director once all noncompliance issues are addressed and corrective actions are implemented to the satisfaction of the CRD Manager.
12. **Records Storage.** The CRD will maintain all records (i.e., correspondence, documents final report, CAPA plan, etc.) pertaining to the evaluation in locked file cabinets. The records will serve as a baseline for the next evaluation to assess if implemented corrective actions (if any) have been maintained.
13. **Records Retention.** Documentation pertaining to program evaluations shall be retained for the required retention period pursuant to Information Management Handbook, Volume II, Records Retention Schedules ADM-14.40 EEO Office Compliance Reports.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

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