



Welcome

EEO Counseling Process *and* DOI CORE PLUS Program

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Agenda

- Go over housekeeping items
- EEO Counseling Process
- DOI CORE PLUS Program
- Question and Answer



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Housekeeping Items

- Group sessions -- host, please e-mail the total # of participants in the room to cris_stemlerross@fws.gov.
- Click on the hyperlink in the Chat panel for a copy of the handouts.
- If you have a question, type your question in the Chat panel and send it directly to me.
- To close a panel, click the panel tab. Click it again to open the panel.
- Participants' phone lines will be in silent mode.
- This presentation is being closed captioned.

Today's program is being recorded

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EEO Counseling Process

Learning Objectives

- Federal laws enforced by EEOC
- Covered basis
- Regulatory time limits
- Roles and Responsibilities of an EEO Counselor
- Informal EEO complaint process
- Traditional EEO Counseling vs. Alternative Dispute Resolution
- Rights and responsibilities of the Aggrieved Person, Responding Management Official, and Witness
- Use of official time

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EEO Counseling Process

Federal Laws Enforced by the Equal Employment Opportunity Commission (EEOC):

- Title VII of the Civil Rights Act of 1964
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- Titles I and V of the Americans with Disabilities Act of 1990
- Sections 501 and 505 of the Rehabilitation Act of 1973
- Title II of the Genetic Information Non-discrimination Act (GINA) of 2008
- Pregnancy Discrimination Act

www.eeoc.gov



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EEO Counseling Process

Protected Basis:

- Race
- National Origin
- Color
- Religion
- Sex
- Disability (physical and mental)
- Age (40 and over)
- Reprisal (participation in EEO activity or opposition of discriminatory practice)
- Genetic Information
- Sexual Orientation (EO 13087)
- Status as a Parent (EO 13152)

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EEO Counseling Process

Federal Sector Informal EEO Complaint (Pre-Complaint)
Process is governed by:

- 29 CFR, Part 1614, Subpart 105
- EEOC Management Directive 110, Chapter 2



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EEO Counseling Process

All Federal employees, former employees, or applicants for federal employment, who believe they have been discriminated against on one or more of the following bases: race, color, religion, sex, national origin, pregnancy, age (40 and over), physical or mental disability, reprisal, sexual orientation, status as a parent, and/or genetic information, must consult with an EEO Counselor and engage in the informal EEO complaint (pre-complaint) process prior to filing a formal complaint of discrimination.

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EEO Counseling Process



Regulatory Time Limit

- **45 calendar days** from the date of:
 - an alleged discriminatory event
 - a personnel action
 - became aware of the alleged discriminatory action
 - Suspected that discrimination is involved
 to contact an EEO Counselor with the intent to initiate the EEO pre-complaint process.
- Counseling process is **30 calendar days** if Traditional Counseling is elected.
- Counseling process is **90 calendar days** if Alternative Dispute Resolution (ADR) is elected.
- **15 calendar days** from date the Notice of Final Interview (NOFI) was received to file a formal EEO complaint.

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EEO Counseling Process

Roles and Responsibilities of an EEO Counselor

- Neutral third party.
- Explain to the Aggrieved Person (AP) about the Federal Sector EEO complaint process.
- Explain, and provide in writing, AP's rights and responsibilities in the complaint process.
- Determine the claim(s) and basis(es) raised by AP during the initial interview.
- If offered by the agency, explain the ADR program.
- Conduct basic inquiries.
- Attempt resolution if ADR is not elected.
- If issue is resolved, document the resolution.
- If issue is not resolved, issue AP their right to file a formal complain.
- Prepare a Report of Counseling.

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EEO Counseling Process

An EEO Counselor Is Not:

- Aggrieve Person's or management's representative.
- An EEO Investigator.
- Allowed to make merit decision and does not arrive at a determination that discrimination did or did not occur.
- Does not attempt to "drum" up business by inciting employees to file complaints of discrimination, and does not discourage anyone from filing.

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EEO Counseling Process

The Process

- Employee or applicant contacts the EEO Counselor to initiate/enter the informal EEO complaint process.
- EEO Counselor explains the complaint process.
- EEO Counselor explains and provides the employee with the following forms:
 - Rights and Responsibilities of the Aggrieved Person (AP)
 - Designation of Representative
 - Traditional Counseling or Alternative Dispute Resolution (ADR) Election Form
 - Waiver of Anonymity

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EEO Counseling Process

The Process (cont.)

- EEO Counselor schedules the initial interview with AP
- During the initial interview:
 - AP explains the issue(s)
 - EEO Counselor determines/clarifies the claim(s) or allegation(s) and basis
 - Any witness(es)?
 - Supporting documents?
 - Remedy sought?
 - Traditional Counseling or ADR mediation to resolve issue(s)? Waived anonymity? AP designated a representative?

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EEO Counseling Process

The Process (cont.)

- EEO Counselor frames the claim(s)
 - Example: Jane Doe, Aggrieved Person, alleged she was discriminated against on the basis of her disability (anxiety and depression) when on September 20, 2013 she was denied a reasonable accommodation.
- EEO Counselor contacts the Responding Management Official (RMO), provides RMO their Rights and Responsibilities in the Complaint Process, notifies RMO of the allegation(s), and schedules an interview.

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EEO Counseling Process

The Process (cont.)

- EEO Counselor contacts significant witness(es), if any, provides witness' rights and responsibilities, and schedules an interview.
- Attempt to resolve the pre-complaint if Traditional Counseling was elected.
- If ADR mediation is elected during the initial interview with AP, counseling activity will cease. EEO Counselor set up the mediation session.
- Conclusion
 - Resolution Agreement
 - Issuance of the NOFI
 - Withdrawal

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EEO Counseling Process

Traditional EEO Counseling



- EEO Counselor conducts interviews.
- Brief management official who is authorized to resolve the pre-complaint, and present remedy.
- EEO Counselor takes up a more active role in attempting to resolve the pre-complaint.
- If resolution is reached:
 - Counselor drafts the Resolution Agreement (RA)
 - Draft RA is reviewed by SOL and EEO Officer, Office of Diversity and Inclusive Workforce Management, for legal sufficiency
 - Final RA is signed by AP (and AP's representative), Authorized Management Official, SOL for legal sufficiency, and acknowledged by EEO Officer

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EEO Counseling Process

Alternative Dispute Resolution (ADR)

- Counseling process is up to 90 calendar days
- Common ADR method used is mediation
- Contract mediator
- Voluntary for AP, mandatory for management
- Confidential
- Terms and conditions reached during mediation is written in a resolution agreement
 - Draft RA is reviewed by SOL and EEO Officer, ODIWM, for legal sufficiency
 - Final RA is signed by AP (and AP's representative), Authorized Management Official, SOL for legal sufficiency, and acknowledged by EEO Officer



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EEO Counseling Process

Rights and Responsibilities

- Aggrieved Person
- Responding Management Official
- Significant Witness

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EEO Counseling Process

Rights and Responsibilities of an Aggrieved Person:

- Right to anonymity during the pre-complaint stage.
- Right to a representative.
- Right to elect between Traditional Counseling and the Alternative Dispute Resolution (ADR).
- Keep the agency informed of their current mailing address and contact information.
- Afforded a reasonable amount of official time.
- Right to be free from restraint, interference, coercion, or reprisal either during or after the complaint process.
- Responsibility to cooperate in the processing of complaint.

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EEO Counseling Process

Rights and Responsibilities of an RMO:

- Treated as a primary witness whose participation in the complaint process is not materially different from that of any other witness.
- Right to be informed of the allegation(s) made against them and to be allowed to respond fully to the allegations and to give evidence.
- Right to a representative.
- Right to be kept informed of the progress of the complaint.
- Responsibility to cooperate with the complaint process.

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EEO Counseling Process

Rights and Responsibilities of a Significant Witness:

- Right to confidentiality and remain anonymous during the pre-complaint stage.
- Protection from any reprisal action due to providing a witness statement or other information.
- Afforded a reasonable amount of official time.
- Right to a representative.
- Responsibility to fully cooperate with the process.
- Refrain from discussing the matter with co-workers or other individuals whom could taint the EEO discrimination complaints process.
- Keep the agency informed of current mailing address and contact information.

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EEO Counseling Process

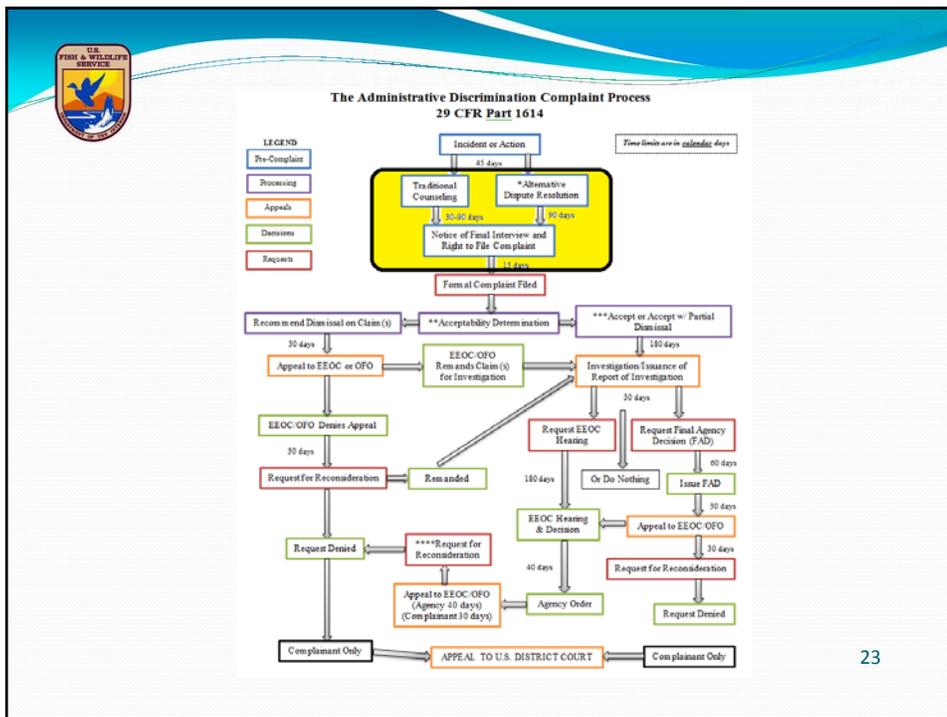
Official Time

An employee is entitled to a reasonable amount of official time to present his or her EEO complaint. Supervisors are required only to grant an employee reasonable amount of official time consistent with the actual business necessities of the agency.

Note: Any costs associated to processing complaints will be charged directly to the Program Area where the complaint originated.



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DOI CORE PLUS Program

Learning Objectives

- What is CORE PLUS?
- Program implementation
- Different types of services provided
- Why use the CORE PLUS Program?

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DOI CORE PLUS Program

Authority and Departmental Policy

- Administrative Dispute Resolution Act of 1996
- 370 DM 770

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DOI CORE PLUS Program

What is CORE PLUS?

Conflict

Resolution

PLUS

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DOI CORE PLUS Program

What is CORE PLUS? (cont.)

CORE PLUS is the Department's Integrated Conflict Management System (ICMS)

- Designed to build high level of trust and respect
- Integrates principles of fairness, inclusiveness and transparency
- Institutionalizes employee engagement
- Promotes open communication

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DOI CORE PLUS Program

What is CORE PLUS? (cont.)

- Emphasizes early cooperative problem-solving and constructive conflict management in the shortest amount of time.
- Broader than Alternative Dispute Resolution.
- Provides impartial and confidential assistance to improve or resolve a workplace issue or concern at the lowest level and least cost to everyone.
- For all levels of employees and managers including bargaining unit employees.

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DOI CORE PLUS Program

CORE PLUS Implementation

- Grew out of EEO-PLUS and HR-CORE Alternative Dispute Resolution (ADR) programs.
- Became a program administered by the Department's Office of Collaborative Action and Dispute Resolution (CADR) in 2002.
- Launched as an Integrated Conflict Management System in 2006.

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DOI CORE PLUS Program

CORE PLUS Services

- Mediation
- Facilitated Conversation
- Group Facilitation
- Team-building
- Conciliation
- Confidential Consultation
- Individual Conflict Coaching
- Climate Assessment
- Communication and Conflict Management Training

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DOI CORE PLUS Program

CORE PLUS Services

Mediation

Mediator, who has no decision-making authority, assist the parties in a dispute to reach a mutually acceptable resolution of the issues in conflict.

Facilitated Conversation

Impartial third party assist in a difficult conversation to surface tensions, address disagreements, and improve communication and working relationships.

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DOI CORE PLUS Program

CORE PLUS Services (cont.)

Group Facilitation

To improve the flow of information between parties or helps a group move through a problem-solving process to reach group decisions, achieve stated goals, or to resolve or improve a situation.

Team-building

To strengthen the cohesiveness and trust within the team.

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DOI CORE PLUS Program

CORE PLUS Services (cont.)

Conciliation

To address tensions or hurt feelings, resolve issues of concern and improve communications, clarify misunderstanding and build a more positive working relationship.

Confidential Consultation

One-on-one meeting or discussion with an impartial neutral party to allow a venue for deliberation, discussion, or decision by an employee or supervisor considering their options.

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DOI CORE PLUS Program

CORE PLUS Services (cont.)

Individual Conflict Coaching

Individualized method for helping one person develop skills and strategies to constructively manage interpersonal conflicts.

Climate Assessment

Impartial practitioner conducts confidential interviews, written surveys or focus groups to assist management gain a clearer understanding of a situation and determine any steps or processes that could help resolve and improve the situation.

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DOI CORE PLUS Program

CORE PLUS Services (cont.)

Communication and Conflict Management Training

Topics such as conflict management skills, communication skills, effective listening skills, cultural competency and interest based negotiation.

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DOI CORE PLUS Program

Why Use the CORE PLUS Program?

- Available to all employees
- Fair and impartial
- Flexible and informal
- Voluntary and confidential
- Non-adversarial
- A safe place for difficult conversations
- A source of information, education, and assistance to help reduce workplace tensions, improve communication, manage conflict, and build productive teams
- Quicker and less costly solution to workplace issues

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QUESTIONS



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Thank You!

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Managers and supervisors may claim 1 hour of EEO training credit for participating in this webinar.

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