



**061 FW 1**  
***Policy and  
Responsibilities for Equal  
Opportunity Complaints  
and Adjudication***

Supersedes 061 FW 1, 07/23/96, FWM 263  
Date: September 23, 2008  
Series: Equal Opportunity  
Part 061: Complaint Processing and  
Adjudication  
Originating Office: Branch of Equal  
Opportunity and Diversity

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**1.1 What is the purpose of this chapter?** This chapter:

- A. Lists the authorities and defines the terms employees need to know to understand this and other chapters in Part 061, Complaint Processing and Adjudication in the Service,
- B. Describes the responsibilities for complaint processing and adjudication, and
- C. Lists our reporting requirements for equal opportunity complaints.

**1.2 What is the scope of this chapter?** This chapter applies to:

- A. Service employees,
- B. Applicants for employment with the Service, and
- C. Former employees.

**1.3 What are the authorities for the chapters in Part 061?**

- A. Civil Rights Act of 1964, as amended (Public Law 88-352).
- B. Civil Rights Act of 1991 ([Public Law 102-166](#)).
- C. Federal Sector Equal Employment Opportunity Regulations ([29 CFR 1614](#)).
- D. Americans with Disabilities Act of 1990 ([42 U.S.C. 12101 – 12213](#)).
- E. Equal Employment Act of 1972 (P.L. 92-261).
- F. Rehabilitation Act Amendment of 1974 ([P.L. 93-516](#)).
- G. Affirmative Employment Programs ([5 CFR 720](#)).
- H. Regulations on Nondiscrimination; Equal Employment Opportunity ([28 CFR 42](#)).
- I. Regulations for the Equal Pay Act of 1963 ([29 CFR 1620](#)).
- J. Older Workers' Benefit Protection Act of 1990 ([Public Law 101-433](#)).
- K. Guidelines on Discrimination Because of Sex ([29 CFR 1604](#)).

L. Executive Orders 11478, 13087, and [13152](#), Equal Employment Opportunity in the Federal Government.

M. [Executive Order 13145](#), To Prohibit Discrimination in Federal Employment Based on Genetic Information.

N. U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 110.

O. [U.S. Department of the Interior Equal Opportunity Directive 2003-05, Settlement Agreements](#).

#### **1.4 What terms do you need to know to understand this and the other chapters in Part 061, Equal Employment Opportunity (EEO) Complaint Processing and Adjudication?**

**A. Aggrieved Person.** An aggrieved person is an employee, applicant, or former employee who:

(1) Believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, physical or mental disability, reprisal (involvement in the EEO process or opposition to discriminatory practices), sexual orientation, family status, or genetic information, and

(2) Has consulted with an EEO counselor to resolve the matter on an informal basis.

**B. Class Complaint.** A class complaint is a complaint filed by a group of employees, applicants for employment, or former employees who allege that they have been, are being, or may be, adversely affected by a discriminatory personnel management policy or practice. A class agent is the person who acts for the members in the class complaint.

**C. Complainant.** A complainant is an employee, an applicant for employment, or former employee who:

(1) Believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, physical or mental disability, reprisal, sexual orientation, family status, or genetic information, and

(2) Has filed a formal complaint of discrimination.

**D. Discrimination.** Discrimination:

(1) Is an act or acts that adversely affect the employment opportunities of one or more individuals because of race, color, religion, sex, national origin, age, physical or mental disability, reprisal, sexual orientation, family status, or genetic information.

(2) May be either intentional or unintentional.

**E. Reprisal.** Reprisal is interference with, coercion of, or discrimination against an aggrieved person or complainant, his or her representative, or witness(es) who are involved in any stage in the presentation and processing of a complaint.

**F. Resolution** is when the Service and an aggrieved person/complainant resolve a complaint at any time during the processing of the complaint. Either party may offer the terms of the agreement.

**G. Sexual Harassment.** Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, when one of the following conditions is met:

- (1) Submission to such conduct is made either explicitly or implicitly as terms or a condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **1.5 Who is responsible for processing EEO complaints in the Service?**

**A.** The **Director** is responsible for providing a discrimination/harassment-free work environment for our employees.

**B.** The **Assistant Director – Budget, Planning and Human Resources** ensures there is Servicewide policy in place for the program.

**C.** **Assistant Directors** and **Regional Directors** ensure the effective administration of complaints processing and adjudication in the areas for which they are responsible.

**D.** The **Chief, Branch of Equal Opportunity and Diversity (EOD) (EEO Officer):**

- (1) Is responsible for managing the Complaints Processing and Adjudication Program within the Service,
- (2) Monitors and tracks Regional and Servicewide complaints activity and develops required reports (see [section 1.6](#)),
- (3) Coordinates the investigation of all formal complaints and the preparation of the investigative reports,
- (4) Coordinates and prepares all required Service documentation and arrangements to address appeals and hearings, and
- (5) Oversees EEO counseling activities for Headquarters.

**E.** The **Regional Chiefs, Division of Diversity and Civil Rights:**

- (1) Are responsible for the coordination of complaints processing program activities within their areas of responsibility, and
- (2) Attempt to resolve complaints by using mediation and other alternative dispute resolution methods (also see [061 FW 3](#)).

**F.** **Equal Employment Opportunity Counselors** in the Branch of Equal Opportunity and Diversity and the Regional Divisions of Diversity and Civil Rights and collateral duty counselors:

- (1) Provide EEO counseling and guidance to aggrieved employees, applicants, and former employees, and

(2) Are responsible for mediation and complaint resolution.

**1.6 What are the Service’s reporting requirements for equal opportunity complaints?** The Branch of EOD regularly prepares three reports for the Department’s Office of Civil Rights. Table 1-1 summarizes the reports.

<b>Table 1 1: Summary of EEO Reports</b>		
<b>Reports</b>	<b>Due Date</b>	<b>Content (from iComplaints database system)</b>
<b>A. Annual Federal EEO Statistical Report of Discrimination Complaints</b>	<ul style="list-style-type: none"> <li>Quarterly on January 15, April 15, July 15, and October 15</li> </ul>	<ul style="list-style-type: none"> <li>Cases opened, closed, and the date and type of closure by name and docket number;</li> <li>All money spent on investigative services and paid due to settlements;</li> </ul>
<b>B. Monthly Status Report</b>	<ul style="list-style-type: none"> <li>Monthly by 5<sup>th</sup> day of each month.</li> </ul>	<ul style="list-style-type: none"> <li>The basis of allegations of each complaint;</li> <li>The processing time of each stage; and</li> <li>The average age of each complaint according to the complaint stage.</li> </ul>
<b>C. The Notification and Federal Employee Anti-Discrimination and Retaliation (No Fear) Report</b>	<ul style="list-style-type: none"> <li>Quarterly on January 15, April 15, July 15, and October 15</li> <li>Posted on the Department’s Web site</li> </ul>	<ul style="list-style-type: none"> <li>Number and type of EEO complaints,</li> <li>Any corrective action taken against the supervisors who have been deemed responsible for discrimination,</li> <li>Amount of monetary payments made to the prevailing complainant.</li> </ul>

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*For information on the content of this chapter, contact the Office of Diversity and Inclusive Workforce Management. For more information about this Web site, contact Krista Holloway in the Division of Policy and Directives Management, at [Krista.Holloway@fws.gov](mailto:Krista.Holloway@fws.gov).*

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