

3 FAH-1 H-1500 EQUAL EMPLOYMENT OPPORTUNITY

3 FAH-1 H-1510 PROCEDURES FOR PROCESSING COMPLAINTS OF DISCRIMINATION

*(CT:POH-113; 06-02-2005)
(Office of Origin: OCR)*

3 FAH-1 H-1511 ADMINISTRATIVE PROCESSING

3 FAH-1 H-1511.1 Pre-Complaint Process

(CT:POH-113; 06-02-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. See also 29 CFR 1614.105.
- b. Any U.S. citizen employee or applicant for employment who believes that he/she has been discriminated against on the basis of *race, color, religion, sex, national* origin, age, or mental or physical disability must consult *a trained and certified* equal employment opportunity (EEO) counselor *who has been authorized by S/OCR to conduct counseling for individuals alleging discrimination by a Department of State employee.*
- c. *The employee or applicant must contact the EEO counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.*
- d. *Unless the individual elects to proceed with resolution of the allegation of discrimination through the Alternative Dispute Resolution program established by the Office of Civil Rights (S/OCR), the EEO counselor should make inquiries, conduct all interviews, issue notices, file reports, and otherwise carry out his/her responsibilities in accordance with the standards and time limits set forth in 29 CFR 1614.105.*

3 FAH-1 H-1511. 2 Formal Complaint Process

(CT:POH-113; 06-02-2005)

(State Only)

(Foreign Service and Civil Service Employees)

- a. See 29 CFR 1614.106.
- b. If the matter of alleged discrimination has not been resolved to the employee's or *applicant's satisfaction during pre-complaint processing, the complainant, or his/her designated representative may file a formal complaint of discrimination with the Office of Civil Rights (S/OCR).*
- c. *If the complainant chooses to file a formal complaint of discrimination, he/she must submit his/her complaint within 15 calendar days of the date of the notice of final interview with the (EEO) counselor to the Assistant Secretary for Civil Rights, who will make all necessary arrangements to have the complaint reviewed for acceptance or dismissal, investigated, mediated and/or resolved, and otherwise processed in accordance with the provisions of 29 CFR 1614.106 through 1614.504.*
- d. *EEO Counselors authorized to conduct counseling activities for the Department of State on behalf of the Office of Civil Rights (S/OCR) are not authorized to receive formal complaints of discrimination in lieu of having those complaints filed directly with S/OCR.*

3 FAH-1 H-1512 CONFIDENTIALITY AND FREEDOM FROM RESTRAINT

(CT:POH-113; 06-02-2005)

(State Only)

(Foreign Service and Civil Service Employees)

- a. *See also 29 CFR 1614.105(g).*
- b. *At the pre-complaint processing stage of any alleged matter of discrimination, the (EEO) counselor should not:*
 - (1) *Attempt in any way to restrain the employee or applicant from filing a complaint of discrimination; or*
 - (2) *Reveal the identity of any person who consulted the EEO counselor on any alleged matter of discrimination, except when expressly authorized to do so by the employee or applicant, or until the formal complaint of discrimination has been officially accepted by*

S/OCR for further administrative processing, or until the employee/applicant has filed suit in federal district court, whichever occurs first.

3 FAH-1 H-1513 RIGHT TO REPRESENTATION AND PRESENTATION OF COMPLAINT

(CT:POH-113; 06-02-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. *See also 29 CFR 1614.605.*
- b. *At any stage in the processing of a complaint, including the informal pre-complaint phase, the complainant has the right to be accompanied, represented, and advised by a representative of his/her choice.*

3 FAH-1 H-1514 REASONABLE OFFICIAL TIME

(CT:POH-113; 06-02-2005)

(State Only)

(Foreign Service and Civil Service Employees)

- a. *See also 29 CFR 1614.605.*
- b. *The complainant and his/her representative should have a reasonable amount of official time, if otherwise on duty, to prepare and present the complaint and respond to Agency and EEOC requests for information.*
- c. *Individuals who require official time in order to participate in the EEO process should submit a leave request for such time in accordance with established leave procedures.*
- d. *The Office of Civil Rights has established as a general guideline that an individual with authority to grant or deny leave may deem no more than 8 hours "reasonable time" during the pre-complaint process, and a total of 8 hours during the formal complaint process.*
- e. *Any questions regarding whether or not time requested meets or exceeds the requirements of "reasonable time" should be directed to the Assistant Secretary for Civil Rights.*

3 FAH-1 H-1515 REPORT REQUIREMENTS—DISPOSITION OF COMPLAINTS

(CT:POH-113; 06-02-2005)

(State Only)

(Foreign Service and Civil Service)

*Department of State: EEO counselors shall submit reports as directed by the
Office of Civil Rights.*

3 FAH-1 H-1516 THROUGH H-1519 UNASSIGNED