

United States Department of the Interior

OFFICE OF THE SECRETARY

March 19, 1997

EQUAL OPPORTUNITY DIRECTIVE 1997-11

TO: Bureau/Office Equal Opportunity Officers

FROM: E. Melodee Stith, Director /s/
Office for Equal Opportunity

SUBJECT: Process for Raising Issues of Harassment

Last month the Secretary issued his zero tolerance of discrimination policy, with an emphasis on prohibiting harassment based on race, color, national origin, sex, religion, disability, age, or sexual orientation. This was prompted by the sudden increase in the number of findings of discrimination in which harassment and hostile work environment were among the primary issues.

There are many opportunities in the discrimination complaint process where resolutions can and should be made - particularly if the allegation is confirmed at the counseling, investigatory, or the pre-hearing/hearing stage. Harassment, which usually goes hand in hand with a hostile work environment, is one of those issues in which the EEO Counselor's inquiry may indicate that there is sufficient information discovered to reasonably believe there is enough validity in the allegation to warrant immediate action. Confirmation of the allegation also may become apparent during the investigation or hearing. However, these cases may stay in the system until the final agency decision, frequently years later. In the meantime, the complainant may have been subjected to continued harassment and/or a hostile work environment because the agency did not intercede.

To ensure the rights of employees and to avoid this type of inaction in the future, we are establishing throughout the Department an expedited process for employees to raise issues of harassment to begin on April 1, 1997. (See attachment.) At that time we will announce the new process through an all employee distribution. Contact with an EEO Professional under this process will be considered the initial counseling contact for the purpose of meeting the requirements.

Attachment

Attachment to EOD-1997-12

PROCESS FOR RAISING ISSUES OF HARASSMENT

Employees will have 45 days from the date of the incident to bring allegations of harassment based on violations of the civil rights laws (i.e., harassment based on race, color, national origin, sex, religion, disability, age, and, in addition, sexual orientation), to the attention of the Local, Regional, or Bureau EEO Officer and/or full-time EEO Counselor for priority consideration. Harassment means any conduct by a manager, co-worker or other Federal employee that interferes with an employee's ability to do his/her job and is based on the discriminatory violation described above. Types of harassment referred to are those actions prohibited by the civil rights laws, as well as sexual orientation. This contact will be considered the initial counseling contact for the purpose of meeting the requirements of the EEO complaints process procedures. Upon presentation of an allegation of harassment, the EEO Professional will make a determination as to whether the matter warrants priority consideration and so advise the complainant. If so, the EEO Professional will begin immediate counseling on the allegation. The matter may not be delegated to an inexperienced Counselor/Investigator.

The EEO Professional must immediately meet/discuss the alleged incident with the employee. Afterwards, the EEO Professional will bring the matter to the immediate attention of the highest appropriate management official at the site where the incident arose. The manager shall order an immediate, expedited inquiry into the facts of the incident.

Upon receipt of the inquiry report, if warranted, the manager shall take immediate corrective action, including appropriate disciplinary action. The corrective action shall, at a minimum, include: taking appropriate actions to correct, eliminate, and cure the harassing environment; posting in a conspicuous place a notice, signed by the highest appropriate management official, stating that harassment will not be tolerated in the work place; taking appropriate disciplinary action against the employee doing the harassment; and mandating that the harassing employee take sensitivity training within 60 days of the conclusion/decision regarding the harassment.

The manager will have 30 days to complete the inquiry and, if warranted, initiate the appropriate action.* Determinations that corrective action is not warranted must be fully documented. The manager and EEO Professional are encouraged to consult with other officers/officials (Office of the Solicitor, Office of Safety, Office of Personnel) as appropriate and necessary.

All incidents of harassment must be reported to the Bureau Director along with the corrective action taken. The EEO Officer shall maintain a copy of the inquiry report and the corrective action taken for future reference, should another act of harassment occur.

Managers who do not take immediate corrective action on findings of harassment may be denied awards, bonuses, promotions, and/or may be subject to disciplinary action.

*Should an employee be dissatisfied with the management actions taken to correct the harassing environment, he/she will be given a notice of final interview and right to file a complaint of discrimination as provided in the EEOC regulations. Thereafter, the formal complaint will be processed in accordance

with EEO regulations at 29 CFR 1614.106, et seq. The EEO Professional's report of inquiry and management actions will represent the Report of Counseling pursuant to 29 CFR 1614.105(c).

