
Introduction

It's impossible to expect managers and supervisors to know everything there is to know about EEO. This is why FEMA employs experts in the field of EEO. This unit provides you with information on the role of the Equal Rights Officer (ERO) in the DFO. It discusses how the ERO can support managers and supervisors in providing advice and guidance in resolving employees' issues and concerns. It also outlines FEMA's EEO complaint process.

In this unit, you will learn about:

- The roles and responsibilities of the Equal Rights Office in the DFO.
- When to seek assistance from an Equal Rights Officer.
- FEMA's EEO complaint process.
- The role of Alternative Dispute Resolution in the EEO complaint process.

The ERO in the Disaster Field Office

The Equal Rights Office is located in the DFO and is staffed by Equal Rights Officers. Equal Rights Officers report to the Office of Equal Rights in FEMA Headquarters. The overall purpose of the ERO is to identify, monitor, and help resolve issues that impact on groups protected under EEO laws. The role of the ERO requires sensitivity, responsibility, and the ability to focus and put situations into the proper perspective. The ERO must:

- Be proactive and focus on resolving EEO issues at the earliest possible stage.
- Serve as a neutral party who is not an advocate of either the employee or management.
- Maintain complete confidentiality.
- Provide factual and accurate information when reporting incidents and concerns.

The Roles and Responsibilities of the Equal Rights Officer

The ERO has two major roles: (1) to resolve EEO issues within the DFO, and (2) to handle civil rights issues in the disaster community.

- Resolving EEO Issues Within the DFO. As part of their responsibilities within the DFO, EROs:
 - 4 Provide guidance to the Federal Coordinating Officer and his or her staff on EEO matters, and bring EEO problems or potential concerns to their attention.
 - 4 Provide support and guidance to supervisors to ensure equal opportunity for all DFO applicants and employees (including local hires).
 - 4 Help DFO employees and supervisors resolve potential EEO matters.
 - 4 Answer questions and assist employees who believe they have been denied the full benefit of equal opportunity in hiring and employment.
 - 4 Monitor personnel decisions and mediate equal employment opportunity issues.
 - 4 Conduct EEO training at the DFO (in coordination with the DFTO) and participate in staff orientation.

The Roles and Responsibilities of the Equal Rights Officer (Continued)

- Resolving Civil Rights Issues in the Disaster Community. As part of their responsibilities in the disaster community, EROs:
 - 4 Focus on the civil rights of disaster survivors who are elderly, disabled, minority, or who are in low-income areas.
 - 4 Help resolve civil rights issues for disaster survivors by answering questions, discussing complaints, and assisting those who believe they have been discriminated against.
 - 4 Attempt resolution of complaints when applicants for assistance allege civil rights violations.
 - 4 Visit Recovery Centers and evaluate equality of access to FEMA programs and facility accessibility for people with disabilities (i.e., ramps, bathrooms, telecommunications for the hearing impaired, and general accessibility).
 - 4 Make recommendations for determining the locations of disaster field offices and disaster recovery centers, when possible.
 - 4 Visit State officials and participate in community meetings and meetings with local organizations.

Note: This guide will focus on the Equal Rights role and responsibilities of the ERO.

The EEO Complaint Process

FEMA has an established EEO complaint process for those who feel that their right to equal opportunity has been violated. The process follows the guidelines set forth by the EEOC and were revised November 9, 1999. Complaints of discrimination may be filed by any FEMA employees or applicants for employment with FEMA who believe they have been discriminated against on the basis of one or more of the eight prohibited factors: race, color, national origin, sex (sexual harassment), age (40 and up), disability, religion, and retaliation/reprisal for previous EEO actions.

The EEO Complaint Process (Continued)

To file a complaint or obtain information pertaining to the EEO complaint process contact:

Pauline C. Campbell, Director
Office of Equal Rights
500 C Street, SW, Room 407
Washington, DC 20472
202-646-3535

Pre-Complaint Process

Initial Contact: Employee or applicant must contact the FEMA Office of Equal Rights within 45 calendar days of the alleged discriminatory incident for assignment of an EEO Counselor.



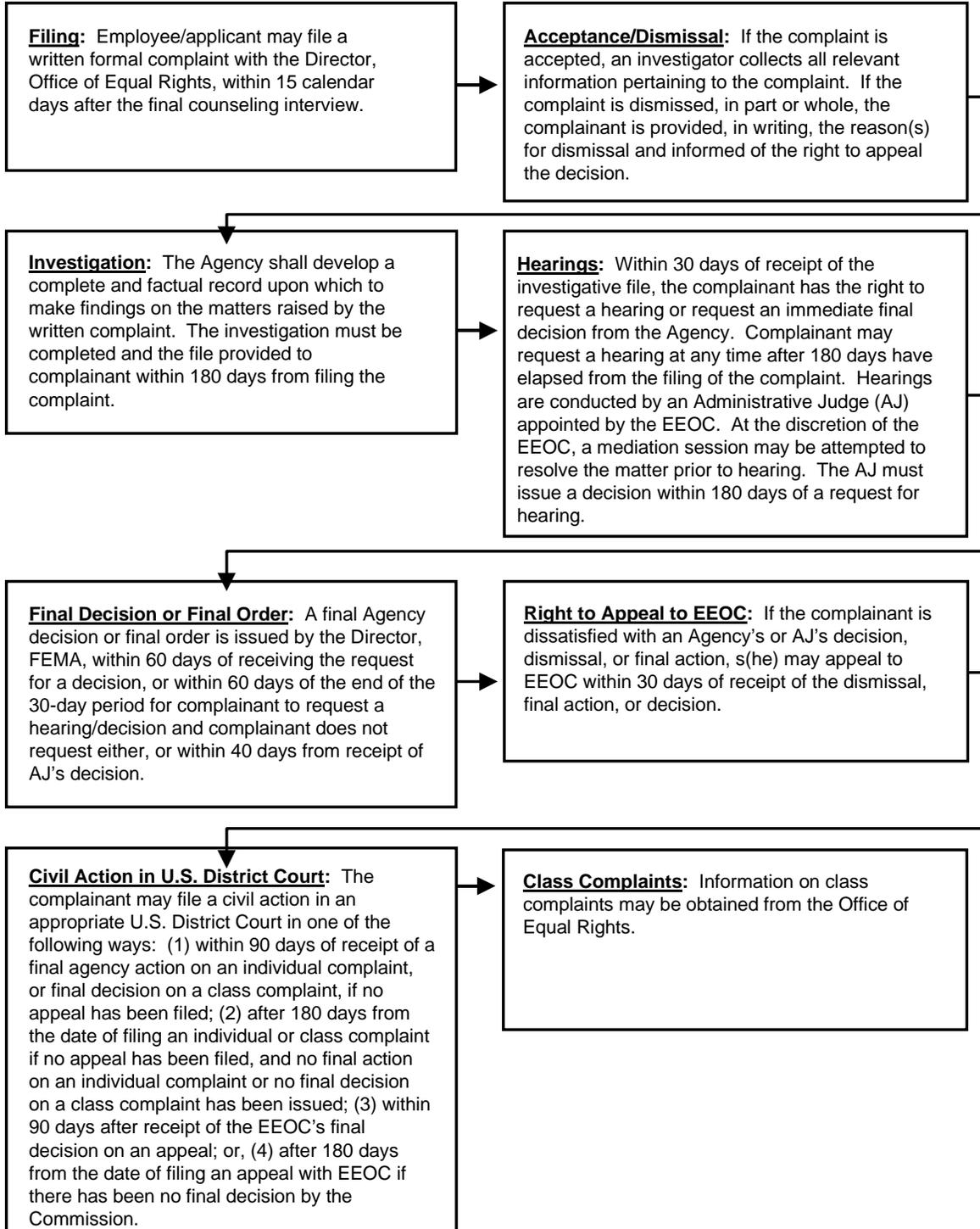
Counseling: The EEO Counselor will attempt to resolve the matter informally within 30 calendar days from the date of initial contact. Counseling may be extended up to 60 days if both parties agree. If the matter cannot be resolved, employees or applicants may file a formal complaint. Where applicable, complainant may be offered Alternative Dispute Resolution (ADR) by the Agency. This technique is used to resolve matters at the lowest level possible. Pre-complaint processing may be extended up to 90 calendar days when utilizing ADR.

Note: The pre-complaint process in the DFO differs slightly from the process that would occur if an incident happened at an employee's permanent duty station. If an EEO incident occurs within a DFO, the employee would make initial contact with the ERO at the DFO. However, if an EEO incident occurs at the employee's permanent duty station (i.e., Headquarters or regional office), the employee would make initial contact with an EEO Counselor in the Office of Equal Rights.

The role of the Equal Rights Officer during the pre-complaint process is to talk to the complainant, the supervisor or manager involved, witnesses, and other management officials to attempt to resolve the issue informally. If discussions are successful, the case is closed. If discussions are unsuccessful, a formal complaint is filed and the formal complaint process outlined on the next page begins.

The EEO Complaint Process (Continued)

Formal Complaint Process



The EEO Complaint Process (Continued)

- Alternative Dispute Resolution (ADR). ADR can occur at any time from the pre-complaint to the formal complaint stage of the EEO process. The complainant will be required to initiate EEO counseling prior to being considered for ADR. Further, the Agency has to offer and the complainant has to elect to participate in ADR. If the offer is not made or the complainant elects not to participate, the complainant will continue in the traditional EEO process. ADR issues are handled from the Office of Equal Rights in FEMA headquarters and not at the DFO.

ADR is an alternative procedure for resolving allegations of discrimination addressed through the EEO process. It is designed to be efficient, expeditious, and cost-effective while retaining the legal and administrative due process rights of the parties involved. Some characteristics of the ADR program are that it is voluntary for the complainant; it can be terminated at any time within the prescribed time frames without loss of rights; ADR can shift the process from conflict to problem solving; disputants are responsible for finding the solution; ADR employs the use of neutral objective individuals; and its intent is to produce a solution acceptable to the parties involved.

Although there are several ADR procedures available, those that will most commonly be used by FEMA will be mediation, facilitation, fact-finding, conciliation, and negotiation. These formal processes will engage the use of a neutral third party with expertise in ADR techniques and the EEO complaint process who will assist the parties in reaching a voluntary, negotiated resolution of issues of discrimination. These processes also provide the parties with an opportunity to vent and diffuse feelings; clear up misunderstandings; determine underlying interests/concerns and facts in dispute; and find areas of agreement.

ADR is an alternative to the traditional investigative or litigation process associated with the formal EEO complaint process. Mediation is the form of ADR that is most often used by FEMA. It is an informal process in which a third party (usually a trained FEMA employee) assists the opposing parties to reach a voluntary, negotiated resolution of the charge of discrimination. Mediation usually takes place early in the process prior to an investigation of the charge (i.e., during the pre-complaint process). However, it can occur at any stage of the pre-complaint or formal complaint process.

Summary and Transition



Summary & Transition

In this unit, you reviewed the roles and responsibilities of EROs and how they can be of support to managers, supervisors, and employees. You also learned about the EEO complaint process and ADR. In the next unit, you will complete several case studies that highlight Title VII discrimination.

Before proceeding to the next unit, take a few minutes to complete the Knowledge Check on the next page.

**Check****Knowledge Check**

Carefully read each question and all of the possible answers before selecting the most appropriate response for each test item. Circle the letter corresponding to the answer you have chosen. Complete all the questions without looking at the course materials.

1. The Equal Rights Officer is a neutral party who is not an advocate of either the employee or management.
 - a. True
 - b. False

2. Which of the following is not a responsibility of the ERO?
 - a. Provide support and guidance to supervisors to ensure equal opportunity for all DFO applicants and employees (including local hires).
 - b. Help DFO employees and supervisors resolve potential EEO matters.
 - c. Answer questions and assist employees who believe they have been denied the full benefit of equal opportunity in hiring and employment.
 - d. Tell employees when they should file a discrimination complaint.

3. If an employee in the DFO feels he or she has been discriminated against while working in the DFO, he or she should contact:
 - a. The Equal Rights Officer
 - b. The Equal Employment Opportunity Counselor
 - c. The Office of Human Resource Management
 - d. The FCO

4. Alternate Dispute Resolution (ADR) can occur:
 - a. At any point during the EEO complaint process.
 - b. Before you file an EEO complaint.
 - c. When the EEOC requires you to do so.
 - d. When the other party requests ADR (and you do not).

5. If the employee and the Agency elect to mediate the EEO issue, rather than go through the formal complaint process, the mediator then makes the final decision for both parties.
 - a. True
 - b. False

Turn to page B-2 for the correct answers.