

# Department of the Interior Departmental Manual

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**Effective Date:** 2/7/02

**Series:** Personnel Management

**Part 373:** Equal Employment Opportunity

**Chapter 5:** Equal Employment Opportunity Complaints Program

**Originating Office:** Office for Equal Opportunity

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## 373 DM 5

**5.1 Policy.** It is the policy of the Department of the Interior (Department) to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or sexual orientation, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each bureau and office.

**5.2 Authorities.** Title VII of the Civil Rights Act of 1964, as amended (Title VII); Age Discrimination in Employment Act (ADEA) of 1967, as amended; the Rehabilitation Act of 1973, as amended (Rehab Act); Fair Labor Standards Act of 1938, as amended - Equal Pay Act of 1963 (EPA); Executive Order 11478, as amended; and Executive Order 13145, Title 29 Code of Federal Regulations (CFR) Part 1614, Equal Employment Opportunity Commission (EEOC) Management Directive (MD)-110.

**5.3 Purpose.** This chapter provides Departmental policy for processing individual complaints of employment discrimination and retaliation prohibited by Title VII (discrimination on the basis of race, color, religion, sex, and national origin), Executive Order 13145 (discrimination on the basis of genetic information), the ADEA (discrimination on the basis of age when the aggrieved individual is at least 40 years of age), the Rehab Act (discrimination on the basis of a qualified disability), or the EPA (sex-based wage discrimination).

**5.4 Scope.** The policy described in this chapter covers complaints of discrimination filed against the Department by employees, applicants for employment, contingent workers, and former employees, if the alleged discriminatory matter arose out of employment with the Department.

### 5.5 Responsibilities.

A. The Director, Office for Equal Opportunity (OEO), Office of the Secretary is responsible for providing for counseling of aggrieved individuals and for the receipt and processing of individual and class complaints of discrimination filed against the Department. He or she is also responsible for assuring that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner in accordance with 29 CFR 1614. The Secretary has delegated authority to the Director, OEO, to issue all final agency decisions on

all complaints of discrimination filed against any of the bureaus or offices of the Department. The Director, OEO, is also responsible for processing complaints of discrimination for the Office of the Secretary, Office of the Solicitor, Office of Hearings and Appeals, and the Office of Inspector General.

B. Bureau Equal Opportunity Officers are delegated the responsibility to receive and process complaints of employment discrimination filed against their bureau (except when there is a conflict of interest). They must process and investigate complaints of discrimination fairly, thoroughly, and expeditiously in accordance with Federal laws, regulations, and Departmental policies.

C. Managers and supervisors are responsible for ensuring that the work environment and all employment policies and practices are free from unlawful discrimination and harassment. When an allegation of unlawful discrimination arises, managers and supervisors must attempt resolution of the matter at the earliest possible time.

D. Employees of the Department have a responsibility to ensure that the workplace is free from unlawful discrimination and harassment. All employees are obligated to fully cooperate with EEO counselors and EEO staffs in the processing and resolution of pre-complaint matters, in the investigation of formal EEO complaints, in EEOC hearings, and in the course of appeals handled by the EEOC.

5.6 **Handbook.** The Departmental Equal Employment Opportunity Handbook supplements the Federal regulations contained in 29 CFR 1614 and EEOC guidance contained in MD-110. The Handbook provides detailed program requirements and procedures for implementing the complaints program and processing complaints covered under this chapter. The Handbook also includes program requirements for complaints alleging retaliation prohibited by the statutes contained in 5.2 above.

A. Issuance. OEO is responsible for ensuring that the Handbook is current and for preparing any necessary revisions. The Handbook and any revisions to the Handbook are issued under the signature of the Director, OEO.

B. Availability. The Handbook is located at: <http://www.doi.gov/diversity/>

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