



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

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CIVIL RIGHTS DIRECTIVE 2012-04

TO: Bureau Equal Employment Opportunity Officers

FROM: Sharon D. Eller, Director, Office of Civil Rights

SUBJECT: Procedures For Processing Alternate EEO Cases

This Directive supersedes Equal Opportunity Directive 1999-09. This Directive provides guidance on processing cases that pose a real or perceived conflict of interest. Such cases include, but are not limited to, instances where a complaint is filed against a member/members of the EEO Office, the EEO Officer, officials having supervisory authority over the EEO Office, or the head of a bureau. All costs associated with processing an Alternate EEO Case must be paid by the originating bureau.

The following procedures will be utilized for processing conflict-of-interest cases:

1. A real or perceived conflict of interest should be identified at the pre-complaint stage of the EEO Complaint Process;
2. Counseling should not be conducted until the issue of a conflict has been resolved;
3. The EEO Officer of the affected Bureau/Office (OS) will submit a memorandum to the Director, Office of Civil Rights (OCR) requesting Alternate Case Processing. The memorandum shall include detailed case information, justification for Alternate Case Processing, and the complaint file;
4. A determination regarding the request for Alternate Case Processing will be made by the Chief, Employment Complaints and Adjudication Division, OCR, within five (5) calendar days of receipt of the written request for Alternate Case Processing;
5. If a complaint is not accepted for Alternate Case Processing, the complaint file and a written memorandum will be returned to the requesting EEO Officer, indicating the reason(s) for denial;
6. If a complaint is accepted for Alternate Case Processing, the complaint file and a written memorandum will be submitted to the EEO Officer of the bureau/office assigned to process the Alternate Processed Case;
7. Assignment of Alternate EEO Cases will be made in the following order:

- a. Bureau of Indian Affairs (BIA)
 - b. Bureau of Land Management (BLM)
 - c. Bureau of Reclamation (BOR)
 - d. Bureau of Safety and Environmental Enforcement (BSEE)
 - e. Office of Surface Mining, Reclamation and Enforcement (OSM)
 - f. Office of the Secretary EEO Office (OS)
 - g. National Park Service (NPS)
 - h. U.S. Fish and Wildlife Service (FWS)
 - i. U.S. Geological Survey (USGS)
8. When a complaint is accepted by OCR for Alternate Processing, it will be known as an Alternate Processed Case (APC).
 9. The Alternate Processed Case will be assigned to a Bureau or OS, via a memorandum signed by the Director, OCR or her/his designee.
 10. A copy of the memorandum assigning the complaint and a copy of the complaint file will be submitted to the OCR Senior Policy Advisor, for initiation of icomplaints processing of the APC in OCR.
 11. The Alternate Processed Case (APC) will be initially created in the Alternate Processed Case Hierarchy of icomplaints by the DOI icomplaints Team.
 12. If the complaint has not been created in icomplaints, the DOI icomplaints Team will assign a case number, auto-generated for an APC case, during the informal stage of processing.
 13. If the complaint is in the formal stage of processing when approved for Alternate Case Processing and contains an Agency Complaint Number (DOI-XXX-12-0111), the DOI icomplaints Team will assign an APC case number in the Format of, DOI-APC-OS-12-0001.
 14. The complaint will be moved to the icomplaints inventory of the assigned bureau/office for processing.
 15. The DOI icomplaints Team will insert in the comments section of icomplaints, the date of acceptance of the complaint as an Alternate Processed Case.
 16. Appropriate information and documents of the Alternate Processed Case must be inserted and uploaded into the DOI icomplaints System by the case manager of the bureau/office assigned to process the complaint.

17. The Bureau/Office EEO Officer will notify the OCR Senior Policy Advisor of the name of the case manager assigned to process the Alternate Processed Case within two (2) calendar days of receipt of the memorandum assigning the alternate processed Case to the particular bureau/office.
18. The DOI icomplaints Team will provide access rights in icomplaints to the case manager assigned to the Alternate Processed Case.
19. The case manager assigned the APC will be the only EEO Practitioner in the processing EEO Office who can view and edit the case in icomplaints.

During the preparation by the bureau EEO Offices and OS of the Annual 462 Report, each open APC will be moved to the case inventory of the original bureau/office which the APC was originally filed against. The DOI icomplaints Team will then assist the 462 Report preparers to compile the report from icomplaints for each bureau where APCs originated. If the APC status is open, the DOI icomplaints Team will move each APC case to the processing bureaus/offices.

The DOI icomplaints Team will monitor, track, and generate reports for all cases that contained in the Conflict Case Hierarchy.

Distribution: Bureau and Office Equal Employment Opportunity Officers

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Expires: When Superseded