



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 03 2014

## CIVIL RIGHTS DIRECTIVE 2014-06

To: Bureau Equal Employment Opportunity Officers

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

Subject: Procedures for Issuance of Final Agency Decisions

Please find enclosed new Civil Rights Directive 2014-06, Procedures for Issuance of Final Agency Decisions.

Distribution: Bureau EEO Officers and Complaints Managers, Office of the Secretary EEO Complaints Manager

Inquiries: Tanisha M. Edmonds, Acting Chief, Employment Complaints and Adjudication Division, Office of Civil Rights, (202) 208-4016, or Designee

Expiration: When Superseded

## **CIVIL RIGHTS DIRECTIVE NO. 2014-06**

Subject: Procedures for Issuance of Final Agency Decisions

### **1. Purpose.**

This Directive outlines the procedures for issuance of Final Agency Decisions (FADs) in complaints of discrimination filed against the U.S. Department of the Interior (DOI).

### **2. Authorities.**

- a. 29 Code of Federal Regulations (CFR), Part 1614, Federal Sector Equal Employment Opportunity; 29 C.F.R. §1614.110(b) (Final Action by Agencies; Final Action by an Agency in all other circumstances)
- b. Management Directive (MD) 110: Federal Sector Complaint Processing Manual, Chapter 5, Agency Processing of Formal Complaints, Part VI.B, Final Actions, Final Actions in all other circumstances
- c. 29 Code of Federal Regulations (CFR), Part 1614, Federal Sector Equal Employment Opportunity; 29 C.F.R. §1614.108(f) (Investigation of Complainants)

### **3. Policy.**

The DOI will ensure the timely issuance of FADs in accordance with the timeframes set forth in the Equal Employment Opportunity Commission's (EEOC's) regulations at 29 CFR § 1614.110(b).

### **4. Scope.**

The policy and procedures in this document apply to the Office of Civil Rights (OCR), all Bureau EEO Offices, and the Office of the Secretary (OS) EEO Office.

### **5. Responsibilities.**

The following procedures will be utilized for issuance of FADs:

- a. OCR is the only office authorized to prepare FADs or enter into contracts for the preparation of FADs for complaints of discrimination filed within DOI.
- b. When a complainant elects a FAD within thirty (30) calendar days of receipt of the Report of Investigation (ROI), the EEO Office processing the complaint will:
  - i. Submit a memorandum requesting issuance of a FAD to the Director, OCR, within 2 business days of receipt of a complainant's election of a FAD.

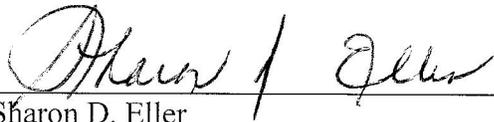
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- ii. Submit with the memorandum requesting issuance of a FAD:
  - (a) Complainant's written election of a FAD;
  - (b) A copy of the letter submitted to the complainant with the ROI. The agency must provide the complainant with a copy of the ROI and shall notify the complainant that within 30 days of receipt of the ROI, has the right to request a hearing and decision from an administrative judge or may request an immediate final decision pursuant to §1614.110 from the agency with which the complaint was filed.
  - (c) Election Form (if provided), and proof of the complainant's receipt of the letter, ROI and Election Form (such as the Certified Receipt green card); and
  - (d) A compact disc (CDR-W) containing a copy of the complaint file and a word-searchable, bookmarked ROI.
- iii. If requested by the Director, OCR, the Bureau or OS EEO Office processing the complaint will provide funding to OCR for FAD preparation. When processing an alternate EEO case, funding for FAD preparation must be provided by the Bureau from which the complaint originated. This funding will provide for contractual FAD preparation support in the event that it is necessary. The funding source used, will be identified by the Bureaus or OS.
- c. Whenever a complainant fails to elect a FAD or request a hearing before an EEOC Administrative Judge within thirty (30) calendar days of receipt of the ROI, the EEO Office processing the complaint will:
  - i. Submit a memorandum requesting issuance of a FAD to the Director, OCR no later than 2 business days after the end of the 30-day period for the complainant to request a hearing or a FAD.
  - ii. Submit with the memorandum requesting issuance of a FAD:
    - (a) A copy of the letter submitted to the complainant with the ROI. The agency must provide the complainant with a copy of the ROI and shall notify the complainant that within 30 days of receipt of the ROI, has the right to request a hearing and decision from an administrative judge or may request an immediate final decision pursuant to §1614.110 from the agency with which the complaint was filed;
    - (b) the Election Form (if provided), and proof of the complainant's receipt of the letter, ROI and Election Form (such as Certified receipt, green card); and

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- (c) A compact disc (CDR-W) containing a digital copy of the complaint file and a word-searchable, bookmarked ROI.
- iv. If requested by the Director, OCR, the Bureau EEO Office processing the complaint will provide funding to OCR for FAD preparation. When processing an alternate EEO case, funding for FAD preparation must be provided by the Bureau from which the complaint originated. This funding will provide for contractual FAD preparation support in the event that it is necessary.
- d. If the EEO Office processing the complaint does not receive a complainant's request for a FAD within thirty (30) calendar days of receipt of the ROI, the EEO Office processing the complaint will:
  - i. Submit a memorandum requesting issuance of a FAD to the Director, OCR no later than 5 business days after the end of the 30-day period for the complainant to request a hearing or a FAD.
  - ii. Submit with the memorandum requesting issuance of a FAD:
    - (a) A copy of the letter submitted to the complainant with the ROI. The agency must provide the complainant with a copy of the ROI and shall notify the complainant that within 30 days of receipt of the ROI, has the right to request a hearing and decision from an administrative;
    - (b) The Election Form (if provided), and proof of the complainant's receipt of the letter, ROI and Election Form (such as Certified receipt, green card); and
    - (c) A compact disc (CDR-W) containing a digital copy of the complaint file and a word-searchable, bookmarked ROI.
  - iii. If requested by the Director, OCR, the Bureau EEO Office processing the complaint will provide funding to OCR for FAD preparation. When processing an alternate EEO case, funding for FAD preparation must be provided by the Bureau from which the complaint originated. This funding will provide for contractual FAD preparation support in the event that it is necessary.
- e. No later than one business day after issuance of the FAD, OCR will provide an electronic copy of each FAD to the EEO Officer of the Bureau processing the complaint or the OS EEO Complaints Manager. The Bureau EEO Officer or the OS EEO Complaints Manager is responsible for ensuring that a copy of the FAD is uploaded into the DOI iComplaints system and the FAD event is entered into the DOI iComplaints system within two business days of receipt of the FAD.

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