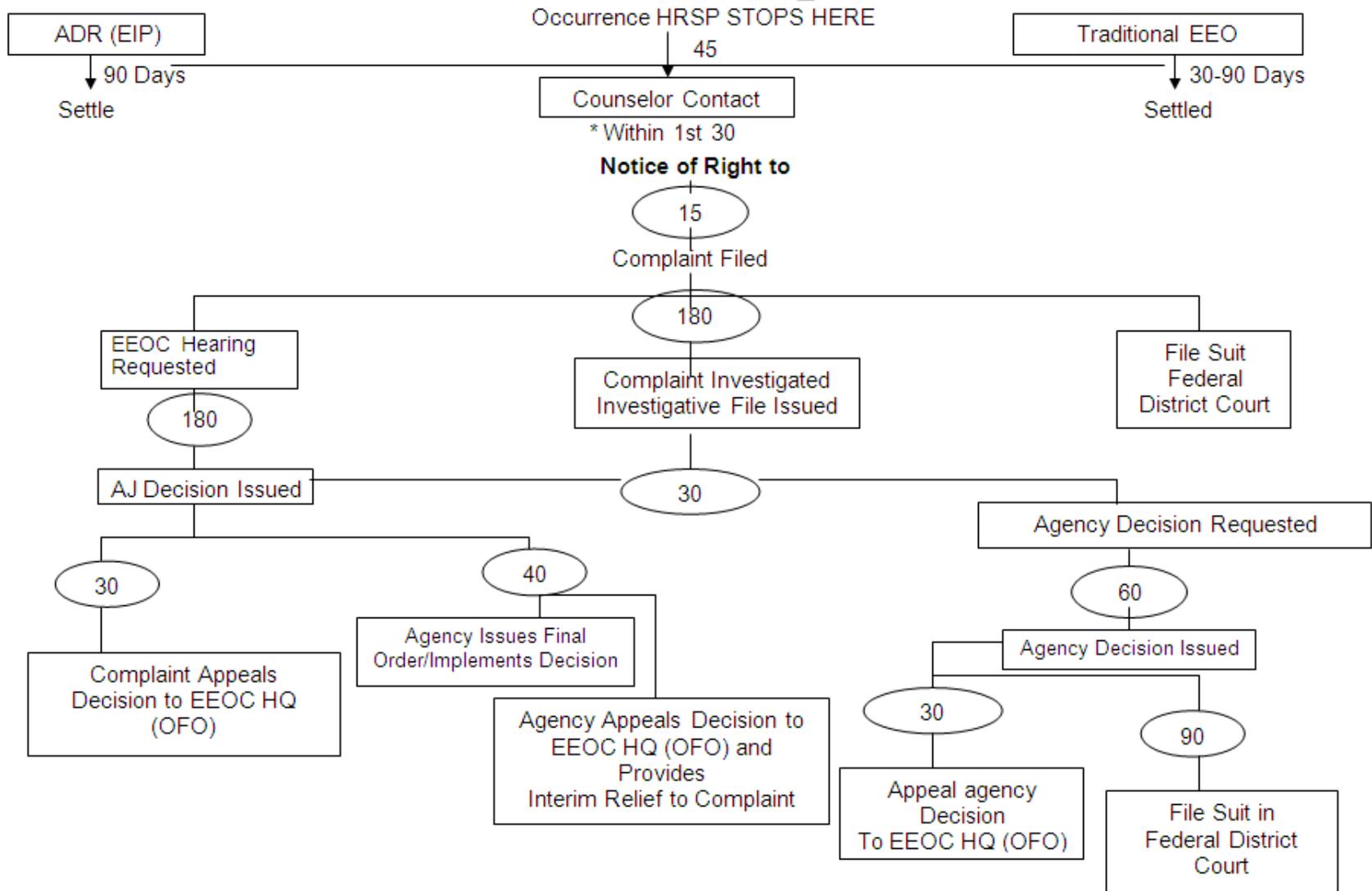


Individual EEO Complaint Process



* If agency doesn't implement or appeal the decision, it becomes final, and is enforceable by EEOC

Forest Service EEO Counselor Listing
March 26, 2010

Assistant Director, Complaints Management Branch

Washington Office – Civil Rights

201 14th Street, SW

Washington, DC 20024

Debbie Lombardino, Assistant Director 202-205-0083

Vacant, Formal Complaints Branch Chief

Sean L. Boe, EEO Assistant 202-205-1233

Fax Number 202-401-6205

Informal Complaints Management Branch

1720 Peachtree Road NW

Atlanta, GA 30309

To file an EEO Complaint 404-347-1908

Vacant, Informal Complaint Branch Chief

Claudian Forte, EEO Counselor 404-347-0139

Bertha Cooper-Thirkill, EEO Counselor 404-347-1911

Cathy Fowler-Johnson, EEO Counselor 404-347-0145

Vacant, EEO Counselor

Lynda Rogers, EEO Assistant 404-347-1910

Fax Number 404-347-1931

1323 Club Drive

Vallejo, CA 94592

Joel Benavides, EEO Counselor 707-562-8654

Vacant, EEO Assistant

Fax Number 707-562-8656

10600 NE 51st Circle

Vancouver, WA 98682

Dan Haase, EEO Counselor 360-891-5191

Fax Number 360-891-5195

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

Who May File a Complaint:

■ Employees, former employees, or applicants for employment have a right to file an EEO complaint under various Federal laws, if they believe they have been discriminated against on the basis of:

- Protected Genetic Information
- Retaliation for EEO activity
- Sexual Orientation
- Political Affiliation
- Marital Status
- Status as a Parent
- Race
- Color
- Religion
- Sex
- National Origin
- Age (40+)
- Disability

When to File a Complaint:

■ Within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.

How to File a Complaint:

■ Contact your Agency's Civil Rights Office or an EEO Counselor.

■ Information on how to file an EEO complaint or to identify an EEO Counselor can be found on the Office of Civil Rights Website: www.usda.gov/cr or (202) 720-7467 or (202) 720-6382 TTY.

Persons with disabilities who require alternative means of communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (Voice/TTY).



United States Department of Agriculture
USDA is an equal opportunity employer

AD-1181 September 2003

2010 Bureau of Land Management Office of Civil Rights Managers and Specialist

Alaska	EEO Mgr	Elise White	Office: (907) 271-3685	222 West 7 th Ave. suite 13 Anchorage, AK 99513
	Comp Mgr	Reneiase Bagsby	(907) 271-3311 Fax: (907) 271-4573	
Alaska Fire Service	Specialist	Robert Palos	Office: (907) 356-5508 Fax: (907) 356-5517	1541 Gaffney Road PO Box 35005 Ft. Wainwright, AK 99703
Arizona	Acting Mgr Specialist	Sandra Martinez Lillian Robinson	Office: (602) 417-9218 (602) 417-9645 Fax: (602) 417-9418	222 N. Central Ave. # 101 Phoenix, AZ 85004
California	EEO Mgr EO Spec. EO Spec. Taylor Asst.	Deena Wilson Cynthia Ice-Bones Joyce Gipson- Christina Fargo	Office: (916) 978-4492 (916) 978-4493 (916)978-4494 (916) 978-4490 Fax: (916) 978-4498	2800 Cottage Way #1834 Sacramento, CA 95825
Colorado and the NOC	EEO Mgr Specialist Comp Mgr Specialist	Enrico David Rosene Vigil Sandy Romero Cheryl Hodges	Office: (303) 239-3616 (303) 236-3661 (303) 236-6467 (303) 236-0697 Fax: (303) 202-2674	2850 Youngfield St Lakewood, CO 80215
Eastern States	EEO Mgr	Lynda Nix	Office: (703) 440-1593 Fax: (703) 440-1566	7540 Boston Blvd. Springfield, VA 22153
Idaho	EEO Mgr	Rani Simmons	Office: (208) 373-4011 Fax: (208) 373-4009	1387 S. Vinnell Way Boise, ID 83709
Montana	EEO Mgr Minkoff	Sara Romero-	Office: (406) 896-5180 Fax: (406) 896-5282	5001 Southgate Dr. P.O. Box 36800 Billings, MT 59107
Nevada	EEO Mgr Specialist	DeAnna Garrett Cris Stemler-Ross	Office: (775) 861-6584 (775) 861-6510 Fax: (775) 861-6462	1340 Financial Blvd. P.O. Box 12000 Reno, NV 89520-0006
New Mexico	EEO Mgr Specialist	Sandra Martinez Hector Mendoza	Office: (505) 954-2027 (505) 954-2026 Fax: (505) 954-2029	301 Dinosaur Trail – PO Box27115 Attn: 914/EEO Office Santa Fe, NM 87508
Oregon	EEO Mgr Comp Mgr	Toya L. Baker Ernesto Jaquez	Office: (503) 808-6341 (503) 808-6195 Fax: (503) 808-6108	333 S.W. 1 st Ave. OR 913 Portland, OR 97204
Utah	EEO Mgr Specialist	Francisco Lujan Patrick Salaz	Office: (801) 539-4007 (801) 539-4008 Fax: (801) 539-4163	440 W 200 S Ste 500, PO Box 45155 Salt Lake City, UT 84145
Wyoming	EEO Mgr Specialist	Michael Lucero Donna Shaffer	Office: (307) 775-6010 Fax: (307) 775-6023	5353 Yellowstone Road Cheyenne, WY 82009
N I F C	EEO Mgr Specialist	Debie Chivers Laura Barclay	Office: (208) 387-5454 Fax: (208) 387-5452	3833 S. Development Ave. Boise, ID 83705

USDA FOREST SERVICE
NOTICE OF COMPLAINANT’S RIGHTS AND RESPONSIBILITIES

The USDA Forest Service Informal Employment Discrimination Complaint Processing procedure covers individual and class complaints of discrimination based on the following prohibited factors: race, color, religion, sex (including sexual harassment), national origin, reprisal for previous EEO related activity, age, physical and/or mental disability. (Marital or familial status, sexual orientation, parental status, political status and genetic information are only addressed through the **formal** process by the Department.)

Sex-based wage discrimination is prohibited under the Fair Labor Standards Act of 1938, as amended (Equal Pay Act of 1963) (EPA).

Age discrimination is prohibited only if the complainant is at least 40 years old or older (Age Discrimination in Employment Act (ADEA) as amended).

A person with a **disability** is one who has a physical and/or mental impairment which substantially limits one or more major life activities, has a record of impairment, or is regarded as having such an impairment (Title VII of Civil Rights Acts of 1964, as amended (Title VII)).

Complaints based on **political belief, sexual orientation, marital status, familial status, parental status and genetic information** are only addressed through the **formal process** by the Department. These bases are **not covered** under Title VII and are not appealable to the EEOC or any other non-USDA agency or department (US Department of Agriculture, Departmental Regulation 4300-7, March 3, 1999). The EEOC does not have jurisdiction over claims of **sexual orientation** discrimination. Federal agencies are barred from discriminating on this basis under Executive Order 11478, as amended.

Any employee or applicant for employment may file an EEO complaint. Initial contact with an EEO Counselor must be made within 45 days of the date of the matter alleged to be discriminatory. No reprisal action may be taken against a complainant or a complainant’s representative for participating in this process. All individuals complaining to and/or participating in the EEO complaint process are entitled to confidentiality.

Under EEOC’s revised regulations of Title 29 Code of Federal Regulations (CFR) Part 1614, governing the processing of complaints of employment discrimination by federal applicants and employees, dated November 9, 1999, the following are your rights and responsibilities:

COMPLAINANTS HAVE THE RIGHT TO:

Anonymity prior to filing a formal complaint unless waived. This right is relinquished when a formal complaint is filed.

Representation throughout the complaint process including the counseling stage. The EEO Counselor **is not an advocate** for either the aggrieved person or the agency and they act strictly as a third party neutral in the EEO process.

Elect between Traditional EEO Counseling and Alternative Dispute Resolution (ADR) procedures, where the agency agrees to offer ADR. Election must be made within the first **10** days (but no more than **30** days) from contact with an EEO Counselor and must be in writing. Depending on which procedure a complainant elects, the following time frame will apply: **30 days** for the traditional EEO counseling procedure if informal resolution is not possible, unless the aggrieved person **consents or elects** to an extension of time, not to exceed an additional 60 days; or **90 days** for the ADR procedure. If you elect to request consideration for ADR, the EEO Counselor will refer your request to the appropriate ADR manager to coordinate consideration of various ADR approaches.

Elect between a negotiated grievance procedure and the EEO complaint procedure. Consult your local Employee Relations Staff, Human Resources Management, to determine if Collective Bargaining Agreement covers you. If you are covered, the following may apply to you:

“Where an agency employee is covered by collective bargaining agreement in 5 U.S.C. §7121 (d) and where the negotiated procedure and the statute covers the alleged discrimination, the aggrieved individual would be required to elect either the:

- A) Statutory procedure for discrimination (i.e., internal agency EEO process), or
- B) The negotiated grievance procedure, but not both.”

Elect to file an EEO complaint or appeal to the Merit Systems Protection Board (MSPB), in the event that the matter at issue is appealable to the MSPB, i.e., the matter is a mixed case appeal. (Consult your EEO Counselor for clarification.)

“Complainant has **30** calendar days from the alleged discriminatory act to file a **formal mixed case appeal** with the MSPB; or **15** calendar days from the date of receipt of an EEO Counselor’s notice of final interview/right to file a formal complaint; or **30** calendar days after the initial EEO Counselor contact to file a **formal mixed case EEO complaint**. Complainant may not file both a MSPB appeal and an EEO complaint on the same matter. The process **selected first** is deemed the elected process.”

File a formal complaint within **15** calendar days of receipt of the Counselor’s notice of right to file a formal complaint in the event that you wish to do so at the conclusion of the traditional EEO counseling procedure or ADR procedure.

File a notice of intent to sue and/or file a lawsuit under the Age Discrimination in Employment Act, as amended (ADEA) instead of an administrative complaint of age discrimination when age is alleged as a basis for discrimination, pursuant to 29 CFR §1614.201(a).

Go directly to a court of competent jurisdiction on claims of **sex-based wage** discrimination under the **Equal Pay Act** even though such claims are also cognizable under Title VII.

Request a hearing before an EEOC Administrative Judge (except in a mixed case) after completion of the investigation or 180 calendar days from the filing of a formal complaint, whichever comes first. Your request should be made directly to the appropriate EEOC office, and you must notify the responding agency of your hearing request. Consult the EEO Counselor for additional information or location to which your request for a hearing and notice to the agency should be sent.

Immediate final agency (i.e., USDA Office of Civil Rights) decision after an investigation by the agency in accordance with 29 CFR §1614.108(f).

Go to U.S. District Court 180 calendar days after filing a formal EEO complaint if no final action has been taken on the complaint, or 180 days after filing an appeal if no decision has been issued on the appeal.

Receive in writing within 30 calendar days of the date the aggrieved person brought the dispute to the Counselor's attention (i.e., first counseling contact, where counseling is selected), a notice terminating counseling if the complaint is not resolved; unless you agree in writing with the EEO Counselor to postpone the final interview and extend the counseling period for an additional period of no more than 60 calendar days; the notice should inform you of:

- 1) The right to file a formal individual or class complaint within **15** calendar days of receipt of the notice,
- 2) The appropriate official with whom to file a formal complaint, and
- 3) Your duty to immediately inform the agency if you retain counsel or representative.

Where you agree to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within ninety (90) calendar days of the first contact with the EEO Counselor, whichever is earlier.

A reasonable amount of official time in preparing and presenting your complaint of alleged discrimination. Such official time must be requested in advance from the appropriate supervisor.

Present and pursue your complaint free from restraint, interference, coercion, harassment, and reprisal.

COMPLAINANTS HAVE A DUTY TO:

Mitigate damages, i.e., you must look for other appropriate employment and you must seek treatment for any injury you claim. (Interim earnings or amounts which could be earned by the individual with reasonable diligence, generally, must be deducted from an award of back pay.)

Keep the agency and EEOC informed of your current mailing address and phone numbers and serve copies of hearing requests and appeal papers on the agency.

Immediately inform the agency if you retain counsel or representative.

COMPLAINANTS HAVE A RESPONSIBILITY TO:

Work with the Agency to reasonably resolve the matter of concern brought to the EEO Counselor's attention;

Fully cooperate with the presentation of information (including the scheduling of meetings or conferences, responding to correspondence, and providing requested material or information) in the processing of their complaint;

Comply with all time limits in the EEO process unless circumstances outside their control make it impossible to do so. If additional time is required at any stage, it should be requested in advance from an appropriate official. (The EEO Counselor will advise Complainant concerning the identity of the appropriate official to grant an extension of time limits); and

Notify FS, Civil Rights Staff, Employment Complaints Program (ECP), or your Regional Service Center of any questions or concerns about the Counseling process.

NOTE: Only claims identified at the counseling stage or claims that are like or related to them may be the subject of a formal complaint (29 CFR §1614.105(b)(1)), or an amendment to a complaint after it has been filed.

Your rejection of an agency's offer or resolution made pursuant to 29 CFR §1614.109(c) may limit the amount of attorney's fees or costs you can recover.

If you have filed two or more complaints, the agency must consolidate them after appropriate notice to you (29 CFR §1614.606). When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within 180 days after the filing of the last complaint or 360 days of the filing of the first complaint.

Class complaint procedures and responsibilities of a class agent will be provided upon request.

The timeframes in this notification are stated in calendar days.

BLM EEO Complaint Process

When and How to File

If you are an employee or job applicant and believe you have been discriminated against because of your race, color, national origin, religion, sex (including sexual harassment), age, physical or mental handicap, or as reprisal for your participation in protected EEO activity, you must first seek relief through the informal counseling process. You may contact your State EEO Manager for counseling information. If resolution is not reached during counseling, you may then decide to file a complaint of discrimination.

- If you file a complaint of discrimination, you must:
- Limit the complaint to matters discussed in EEO Counseling.
- State to your best knowledge and belief what personnel matter or action occurred in which you were treated differently from others not in your protected group (e.g., race, sex) and when it happened.
- File within 15 days of receiving the Notice of Final Interview from your Counselor.
- Submit the complaint in writing.
- Be sure it is signed by you or your attorney.

The Bureau encourages you to file your complaint using the U. S. Department of the Interior Complaint of Discrimination (Form DI-1892); but use of the form is not required. Your EEO Counselor can supply the form and even help you complete it. You then mail or hand deliver your complaint to the EEO Manager. If you prefer, you may file it with the Director of the Office of Fire & Aviation, the Bureau EEO Group Leader, the BLM Director, the Department Office for Equal Opportunity, or the Secretary of the Interior. If you choose to file with the latter, the complaint will normally be returned to the EEO Manager for processing.

The Process

When you file a complaint, the Department must decide to either reject or accept it. If the Department rejects your complaint, you may appeal the decision to the Equal Employment Opportunity Commission (EEOC) within 30 days or file a civil action within 90 days.

If your complaint is accepted, the BLM has 180 days to process the complaint. The EEO Manager assigns an investigator who interviews witnesses and examines relevant documents. Attempts at finding resolution will also continue during the investigative period. When the investigation is complete, you will receive a copy of the Record of the Investigation that includes witness statements and documents collected as exhibits.

Once you have received the Report of Investigation, you have 30 days to request either an immediate decision by the Department (which they will make within 60 days) or a hearing before an Administrative Judge from EEOC. If you request a hearing, the Administrative Judge will issue findings of fact and conclusions within 180 days and provide the Department with a recommended decision. The Department has 60 days to reject, modify, or accept the recommended decision.

If you are dissatisfied with the Department's decision, you have 30 days to appeal to the EEOC, after you receive it.

FYI

The Right to File Suit – There are times in the discrimination complaint process when you may elect to file a civil action; but you must act within regulatory limits.

Age Discrimination Complaints – For complaints based on age, you may choose to skip the complaint process and go directly to court. When you intend to sue in District Court, you must advise the EEOC 30 days before you file.

Reprisal – You, your representatives, witnesses, EEO Officers, investigators, and counselors are protected from reprisal—restraint, interference, coercion, discrimination—at all stages of an EEO complaint. If reprisal occurs, a discrimination complaint may be filed.