

670 Affirmative Action/Equal Employment Opportunity

671 **Overview of AA/EEO**

671.1 **Policy**

671.11 **EEO**

671.111 It is the policy of the Postal Service to provide equal employment opportunity for everyone, without regard to race, color, religion, sex, age (40 and above), national origin, physical or mental handicap, or because they previously engaged in EEO activity. This policy applies to all employment matters, including but not limited to, recruitment, hiring, assignments, promotions, transfers, benefits, and discipline.

671.112 The USPS is unequivocal in its opposition to all forms of discrimination and will not tolerate individuals who consider illegal discriminatory factors as a basis for postal employment decisions or related practices. The USPS recognizes the need to address complaints that arise from alleged discriminatory practices and maintains a process for counseling, investigating, and attempting to resolve such complaints.

671.12 **Affirmative Action**

The USPS considers affirmative action an essential element of its equal employment opportunity efforts as well as an important business objective. The USPS maintains special emphasis programs and other affirmative action activities to eliminate barriers to equal employment opportunity and to ensure that women and minorities are able to compete at all levels of the organization. Minorities are defined as Blacks, Hispanics, American Indians/Alaskan Natives, and Asian Americans/Pacific Islanders.

671.13 **Sexual Harassment**

671.131 The USPS is committed to providing a work environment free of sexual harassment in any form. Sexual harassment is improper and unlawful conduct which undermines the employment relationship as well as employee morale, and the USPS will not tolerate its presence in the workplace. Employees who are found to have engaged in sexual harassment should expect serious disciplinary action, including removal.

671.132 Postal employees who believe that they are the victims of sexual harassment may seek relief through the EEO complaint process, grievance-arbitration procedures for bargaining unit employees under the collective-bargaining agreements, and the grievance procedures for nonbargaining unit employees. Any possible criminal conduct should be reported to the Postal Inspection Service.

671.133 Employees who choose not to pursue a complaint through one of the above established procedures may instead bring the situation to the attention of impartial supervisors or managers at the appropriate organizational level.

- 671.134 Managers and supervisors are charged with the responsibility for preventing sexual harassment in the workplace and, if sexual harassment occurs, for taking immediate and appropriate corrective action.

671.2 **Goals and Objectives**

- 671.21 The USPS seeks to:
- a. Ensure fair employment practices at every level of the organization and to make equal employment opportunity a way of life in the Postal Service.
 - b. Provide programs and opportunities which assist employees in gaining the skills and experience necessary for advancement consistent with their abilities and personal goals.
 - c. Preserve the equal employment opportunities for all its employees by selecting sites for new or relocated postal facilities which do not seriously adversely affect the housing, transportation, and parking opportunities for women and minorities.

672 **Delegation of Authority**

672.1 **Key Personnel**

- 672.11 The EEO Officer for the Postal Service AA/EEO Program is the Postmaster General.
- 672.12 The Senior Assistant Postmaster General (SAPMG), Human Resources Group, is the Director of Equal Employment Opportunity for the Postal Service. The SAPMG, Human Resources Group, or designees, render the final agency decision for the Postal Service regarding complaints of discrimination emanating from employees or applicants for employment at Headquarters or its Administrative Support Facilities, Service Centers, the Inspection Service, Regional Headquarters, and in "conflict of interest" cases or in cases where the complainant is a PCES Executive. The SAPMG, Human Resources Group, oversees the development of the National Multiyear AA/EEO Plan. (See also 672.211.)
- 672.13 The Assistant Postmaster General (APMG), Employee Relations Department (ERD), is responsible for the AA/EEO Program nationally including all special emphasis programs, i.e. Handicapped, Hispanic, and Women's. The APMG, ERD, oversees the development of the Headquarters Multiyear AA/EEO Plan.
- 672.14 The Executive Director, Office of Equal Employment Opportunity, Employee Relations Department, is responsible for developing EEO policies and procedures for national application and for monitoring their effectiveness.
- 672.15 The Regional Postmasters General (RPMGs) are responsible for overseeing the AA/EEO program in their regions including the development of the Regional Multiyear AA/EEO Plan. The RPMG, or designee, renders the final agency decision for Postal Service on complaints of discrimination emanating from employees or applicants for employment in the regions. The RPMGs

direct necessary corrective action in most individual complaints of discrimination arising within their regions. (See also section 675.17.)

- 672.16 The Chief Postal Inspector and each Regional Director, Human Resources, are responsible for developing AA/EEO programs and Multiyear Plans in their respective areas of concern.

672.2 Responsibilities

672.21 National

- 672.211 USPS will develop a National Multiyear AA/EEO Plan to achieve the policy aims and goals listed in 671 pursuant to Equal Employment Opportunity Commission directives and requirements.
- 672.212 Headquarters, regions, and field installations will develop their own AA/EEO Plans and programs consistent with postal policies and instructions. Managers and installation heads must ensure that USPS goals reach all functional areas at all levels of the work force to eliminate barriers that impede AA/EEO progress.
- 672.213 Headquarters, regional, and field managers will review existing regulations, programs, functions, and plans to ensure appropriate provision for minority groups and women. Identification of women, handicapped, and other minority groups allows management to ensure equal opportunities related to all training programs and other career development possibilities within the Postal Service.

672.22 Headquarters

- 672.221 At the Headquarters level, heads of groups, departments, and offices reporting directly to the Postmaster General are the designated EEO officers for their particular units. They are functionally responsible to the Director of Equal Employment Opportunity (the SAPMG, Human Resources Group) for carrying out their functions as EEO Officers.
- 672.222 The Executive Director, Office of Equal Employment Opportunity, is responsible for the daily directional management of the National AA/EEO and Special Emphasis programs including complaint processing and the National Multiyear Affirmative Action Plans. At the national level, the responsibilities of both functions are divided between the Affirmative Action Division and the Employee Appeals Division within the Office of EEO. The Executive Director, Office of Equal Employment Opportunity, or designee, renders final agency decisions in certain Headquarters and related cases.

672.23 Field Divisions

- 672.231 The Field Division General Manager/Postmaster:
- a. Serves as Equal Employment Opportunity Officer at the division level and is also responsible for all the AA/EEO programs in the division and the day-to-day operations of the formal complaint process.
 - b. Oversees the development of the required Multiyear AA/EEO Plan.
 - c. Has been delegated the authority to issue final agency decisions for the Postal Service in certain cases within the division. (See also 675.17.)

- 672.232 The Field Director, Human Resources, is responsible for the daily directional management of the AA/EEO and Special Emphasis Programs including complaint processing and the required Multiyear AA/EEO plan. (See also 675.15.)
- 672.233 The Manager, EEO Complaint Processing, reports to the Field Director, Human Resources, and is responsible for the day-to-day management of complaint processing including pre-complaint counseling. The Manager also supervises the EEO Counselor/Investigators, maintains liaison with appropriate officials of the Equal Employment Opportunity Commission (EEOC), coordinates arrangements for hearings, and prepares final agency decisions in certain cases. (See also 675.15, 675.16, and 675.19.)
- 672.234 The EEO Counselor/Investigator serves at the local level as a bridge between employees and management, tries to counsel or resolve problems that are raised by employees, and investigates formal complaints. The following are of particular importance to this position:
- a. At the counseling stage, the Counselor/Investigator tries to facilitate an amicable solution to the employee's problem and informs employees of their rights to file a formal complaint when attempts at an informal resolution fail. The complainant, however, decides whether or not to file a formal complaint. (See also 675.12.)
 - b. At the investigative stage, the Counselor/Investigator interviews persons who have knowledge of, or an interest in, the complaint as witnesses and/or alleged discriminatory officials. Postal regulations require all postal employees to cooperate in the conduct of an investigation as necessary. The Counselor/Investigator should continue to attempt to resolve complaints at this stage of the process. (See also 675.13.)
 - c. For information on higher level pay for an individual who is temporarily assigned as an ad hoc EEO Counselor/Investigator, refer to 417.542 (e).
- 672.235 The AA/EEO Programs Coordinator at the division level advises the Field Director, Human Resources, on all matters related to AA/EEO and Special Emphasis Programs. In particular:
- a. The coordinator is responsible for local development and administration of procedures and activities, which include implementing, monitoring, and reporting of affirmative action plans and the dissemination of information on EEO laws and policies.
 - b. The coordinator is involved on a regular basis with representatives of the EEOC and organizations working in AA/EEO programs or areas of similar concern.
- 672.236 Affirmative Action Coordinators (Women's Program, Hispanic Program, or other minority designated programs) serve at Headquarters, Administrative

Support Facilities, Divisions, MSCs, and BMCs on an ad hoc basis, and in the Inspection Service. For example, coordinators:

- a. Advise managers on the special employment concerns of Hispanics or women and on the necessary actions required to accomplish special emphasis program objectives effectively.
- b. Provide management support through the Affirmative Action/EEO Programs Coordinator for the implementation of the Hispanic or the Women's Program. (See also 673.4, the Hispanic Program and 673.5, the Women's Program.)
- c. The Affirmative Action Coordinator position can be used in a similar fashion to address the concerns of Blacks, Asian Americans/Pacific Islanders, and American Indians/Alaskan Natives.
- d. For information on higher level pay for an individual who is temporarily assigned as an ad hoc Affirmative Action Coordinator, refer to 417.542 (e).

672.237 USPS supervisors and managers set the pace and tone for their facility or organization. This is vital to the success of the AA/EEO programs. Supervisors and managers must be clear, tactful, and direct in all their communications, avoiding derogatory and insensitive references to any employee's ethnic/minority group and/or gender. The USPS requires supervisors and managers to:

- a. Participate in implementing the local AA/EEO Program and the Multiyear Affirmative Action Plan.
- b. Actively work with AA/EEO personnel and fully support the overall Postal Service AA/EEO program.
- c. Be mindful of the perceptions that their decisions may create with respect to such matters as assignments, discipline, details, merit increases, benefits, promotions, selections, reassignments, separations, and transfers.

672.3 **The AA/EEO Advisory Committee**

672.31 **Purpose**

The functional purpose of the AA/EEO Advisory Committee is to assist the installation head and managers in meeting the objectives of affirmative action and equal employment opportunity.

672.32 **Objectives**

The AA/EEO Advisory Committee has the following specific objectives:

- a. To recommend specific actions that enhance the upward mobility of all employees and, in particular, minorities, women, and the handicapped.
- b. To coordinate and provide activities which encourage the fullest utilization of minorities, women, and the handicapped.
- c. To enhance the Postal Service by attaining equality of employment opportunity in all postal facilities without consideration of race, color,

religion, sex, national origin, age (40 and above), and mental or physical handicap.

- d. To assist in creating a work environment conducive to the improved efficiency and productivity of all employees.

672.33 **Locations**

The AA/EEO Advisory Committees are normally located in Headquarters, Administrative Support Facilities, Regions, Divisions, MSCs, BMCs, associate offices, and selected facilities.

672.34 **Composition**

The AA/EEO Advisory Committees are composed of a minimum of (but not limited to) five members who must be representative of the racial, gender, ethnic, handicapped, veterans, and craft groups at the installation. (See Management Instruction EL-670-86-3, *AA/EEO Advisory Committee*, for detailed operational procedures.)

672.35 **Activities**

Committee activities include, but are not limited to:

- a. Identifying possible local barriers to upward mobility and making recommendations within established policies and procedures.
- b. Monitoring projects and programs which are designed to promote upward mobility and AA/EEO in various phases of postal operations.
- c. Participating in the planning and development of Affirmative Action/Equal Employment Opportunity activities.

672.36 **Functions**

All committee members should know the correct procedures for filing an EEO complaint in the event that an employee seeks such guidance. However, the committee does not accept EEO complaints nor does it discuss or seek to resolve specific EEO complaints. Rather, the committee directs potential EEO cases to the proper channels. (See 675, Complaint Processing/Appeals.)

672.4 **The Executive Management AA/EEO Committees**

672.41 **Purpose**

The purpose of these committees is to enable management from the supervisory level to the executive level to assess, implement, and monitor projects and programs designed to promote AA/EEO in all phases of postal operations. (See Management Instruction EL-670-82-1, *Management EEO Committees*, for detailed operational procedures.)

672.42 **Activities of National Committee**

The National Executive AA/EEO Committee:

- a. Establishes AA/EEO policy.
- b. Establishes national goals and objectives.
- c. Reviews compliance with AA/EEO programs and procedures.

- d. Evaluates the effectiveness of the AA/EEO programs.
- e. Establishes subcommittees to audit selected aspects of the program and report to the committee.
- f. Monitors the expeditious processing of complaints.
- g. Reviews agency/EEOC/court findings of discrimination.

672.43 **Activities of Regional Committees**

The Regional Executive AA/EEO Committee:

- a. Evaluates compliance with AA/EEO programs, procedures, and conditions in postal installations.
- b. Establishes subcommittees, as needed, to provide special studies and reports.
- c. Ensures that all subordinate units establish a career development/upward mobility program that identifies employees with high potential and permits them to advance as far as their aspirations will allow.
- d. Reviews formal AA/EEO audits or inspections at least once a year.
- e. Ensures expeditious processing of complaints.
- f. Reviews agency/EEOC/court findings of discrimination.

672.44 **Activities of Division Committees**

The Division Executive AA/EEO Committee:

- a. Establishes division goals in conformance with national and regional direction.
- b. Establishes additional goals and objectives in support of local needs.
- c. Assesses the quantity and quality of AA/EEO staffing at the MSC/BMC Level.
- d. Monitors the quality and frequency of AA/EEO on-site evaluations at divisions, MSCs, BMCs, and associate offices.
- e. Ensures the expeditious processing of complaints.
- f. Reviews agency/EEOC/court findings of discrimination.
- g. Supports affirmative action activities and Career Awareness Conferences.
- h. Supports sensitivity/awareness sessions.

672.45 **Activities of MSC and BMC Committees**

The MSC/BMC Management AA/EEO Committee:

- a. Corrects practices and attitudes that could cause unequal treatment.
- b. Maintains a workplace free of discrimination.
- c. Reviews all findings of alleged discrimination since the last meeting.
- d. Supports affirmative action activities and Career Awareness Conferences.
- e. Ensures the expeditious processing of complaints.

672.46 **Line and Staff-Level Management AA/EEO Committees**

This committee:

- a. Functions on a selective basis in units, tours, stations, or associate offices where problems or issues have been identified.
- b. Corrects practices and behavior that may cause unequal treatment.
- c. Maintains a work environment free of discrimination.

673 **Special Emphasis Programs**

673.1 **Definitions**

673.11 **Special Emphasis**

Special emphasis programs have been established within the framework of existing affirmative action/equal employment opportunity laws, policies, and regulations. These programs focus attention on the special needs, obstacles, and concerns of certain identified groups when they are underrepresented in Postal Service employment, although they are well represented in the civilian labor force, or when underrepresented at higher levels of postal management — the groups are well represented in the bargaining units or in lower level management. Special emphasis programs, such as the Handicapped Program, the Hispanic Program, and the Women's Program were specifically created by government regulation.

673.12 **Protected Groups**

Protected groups in the Postal Service requiring special emphasis are women, Blacks, Hispanics, Asian Americans/Pacific Islanders, American Indians/Alaskan Natives, and the handicapped.

673.2 **Special Considerations**

673.21 The EEOC reviews and approves agency Multiyear AA/EEO Plans which generally include all protected groups, with additional reviews of the Hispanic and Women's Programs. The EEOC also reviews an additional special AA/EEO Plan and affirmative action programs for the hiring, placement, and advancement of handicapped individuals.

673.22 The Office of Personnel Management (OPM) administers and provides guidance to both the Federal Women's Program (Women's Program in the USPS) and the Hispanic Employment Program (Hispanic Program in the USPS) as well as administers the Selective Placement Program for handicapped individuals.

673.23 The Special Emphasis Hispanic and Women's Programs are functionally under the Affirmative Action Program at the Division. The Field Directors, Human Resources, through the Affirmative Action/EEO Program Coordinator (AAPC), ensure a viable and effective Special Emphasis Program effort throughout the Division.

673.24 An important aspect of this special emphasis effort is the staffing of Ad Hoc Affirmative Action Coordinators (AAC), Hispanic and Women's Program

personnel consistent with current Postal Service national guidelines. On occasion, there may be other protected groups whose underrepresentation may require a similar special effort. Where this situation is identified, an Ad Hoc AAC can be selected for this protected group. (See also 672.226.)

673.3 The Handicapped Program

673.31 Objective

673.311 The Postal Service is mandated by the Rehabilitation Act of 1973 and the Postal Reorganization Act to promote the employment, placement, and career development of the handicapped. Most handicapped employees are able to compete successfully with other applicants through the normal examination process and are appointed from a regular register.

673.312 No physically or mentally handicapped person on the regular competitive registers may, because of his or her handicap, be denied a position for which he or she would otherwise be hired if that person can perform the duties of the position reasonably well.

673.313 For additional information, refer to section 261.34, Handbook EL-311, Personnel Operations.

Note: EL-311 is the new identifier for chapters 1-5 of P-11.

673.32 Handicap Definitions

673.321 Sections 673.322–.327 are directly from Title 29, CFR 1613.702, the EEOC regulation defining terms used in EEOC regulations prohibiting handicap discrimination.

673.322 *A handicapped person* is defined as one who:

- a. Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
- b. Has a record of such an impairment; or
- c. Is regarded as having such an impairment.

673.323 *Physical or mental impairment* means: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genito-urinary; hemic and lymphatic; skin and endocrine; or (b) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

673.324 *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

673.325 *Has a record of such an impairment* means has a history of, or has been classified (or misclassified) as having a mental or physical impairment that substantially limits one or more major life activities.

673.326 *Is regarded as having such an impairment* means: (a) has a physical or mental impairment that does not substantially limit major life activities but is

treated by an employer as constituting such a limitation; (b) has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of an employer toward such impairment; or (c) has none of the impairments defined in 673.323 but is treated by an employer as having such an impairment.

673.327 *Qualified handicapped person* means with respect to employment, a handicapped person who with or without reasonable accommodation can perform the essential functions of the position in question without endangering the health and safety of the individual or others and who, depending upon the type of appointing authority being used: (a) meets the experience and/or education requirements (which may include passing a written test) of the position in question, or (b) meets the criteria for appointment under one of the special appointing authorities for handicapped persons.

673.4 **The Hispanic Program**

673.41 **Objective**

The major objective of the special emphasis USPS Hispanic Program is to assure that Hispanics are significantly represented in the Postal Service workforce and that they are assured an equal opportunity to compete in every aspect of employment, counseling, recruitment, hiring, training, advancement, and promotion.

673.42 **Definition of Hispanic**

The term Hispanic refers to any individual whose origin or cultural heritage can be traced back to Spain and whose native or ancestral language is Spanish. Included in this group are Cubans, Dominicans, Mexican-Americans, Puerto Ricans, Spaniards, Central or South Americans, and individuals from areas once governed by Spain.

673.43 **Program Implementation**

Federal agencies, including the Postal Service, are directed by the Equal Employment Opportunity Commission to develop plans for the implementation of the Hispanic Program. The Hispanic Program ensures equal employment for Hispanics in the federal government including the USPS. The Hispanic Program:

- a. Places emphasis on recruiting Hispanics into the Postal Service workforce.
- b. Assists Hispanics to prepare for advancement to higher level assignments/positions within the Postal Service.
- c. Provides community outreach in areas with a high density Hispanic population.
- d. Maintains personnel domiciled at Headquarters, its Administrative Support Facilities, Divisions, MSCs or BMCs, on an *ad hoc* basis, and in the Inspection Service as directed by national guidelines.

- e. Does not seek preferential treatment for Hispanics, but assures equality of opportunity through positive actions taken to eliminate barriers and through a continued commitment toward achieving the goals and objectives set in the USPS Affirmative Action Program and Plans.

673.44 **Program Personnel Responsibilities**

Hispanic Program personnel are responsible for providing assistance to Hispanics and others in the areas of recruitment, retention, career counseling, upward mobility and other employment related issues. Some specific duties of Hispanic Program personnel are the following:

- a. Maintain liaison with Hispanic community organizations in order to provide and secure resource information affecting the Postal Service's employment of Hispanics.
- b. Utilize the mass media (television, radio, newspapers) to inform the Hispanic community of postal employment opportunities.
- c. Provide orientation programs to the Hispanic community to assist them in preparation for postal examinations, understanding employment procedures, and completing the necessary employment forms.
- d. Identify special barriers or problems which would impede the employment of Hispanics and recommend solutions to management.
- e. Collaborate with the Women's and Handicap Programs person to ensure that the needs of Hispanics are being met.
- f. Assist in AA/EEO training for supervisors, Affirmative Action Week or Career Awareness Conferences, and Hispanic Heritage Week activities.
- g. Provide support to supervisors and managers in the retention of Hispanic employees, using the *Hispanic Program Retention Guide* as the key resource in this endeavor. The guide is available from the Headquarters Office of EEO, Affirmative Action Division.
- h. Provide other appropriate assistance to Hispanic employees as necessary.
- i. Use the *Hispanic Program Operational Guidelines* as the main resource for Hispanic Program activity, operation, and planning.

673.45 **Supervisory Commitment**

- 673.451 Supervisors and managers at all levels are responsible for determining whether there are operational barriers against Hispanics in obtaining postal employment and advancement (promotional) opportunities in the Postal Service. If such barriers do exist, prompt positive corrective action must be taken to eliminate them.
- 673.452 Management Instruction EL-670-83-3, The USPS Hispanic Program, provides further program information and guidance to supervisors and managers. Supervisors should pay particular attention to Part VI, Areas of Special Emphasis.
- 673.453 Supervisors and managers consult with Hispanic Program professionals for assistance and advice in dealing with potential personnel problems involving

Hispanic employees. See also the Hispanic Program Retention Guide. This guide will assist greatly in the retention of Hispanic postal employees.

673.454 Supervisors and managers develop action plans to assist Hispanic employment and advancement in their assigned areas of program responsibility in accordance with national guidelines.

673.455 Supervisors and managers must seek new approaches which enhance and effectively support the goals and objectives of the USPS Hispanic Program.

673.5 **The Women's Program**

673.51 **Objective**

The Women's Program is a special emphasis program established to assure the equality of opportunity for all women within the Postal Service and to improve the status of women in postal management.

673.52 **Goals**

Within the overall objective of improving the status of women in the Postal Service, the goals of the program will be to:

- a. Increase the number of women in supervisory and management positions.
- b. Increase the number of women among new hires.
- c. Increase the number of women at all levels, especially in nontraditional occupations (*i.e.*, the maintenance, mail handler, and carrier crafts).

673.53 **Program Personnel Responsibilities**

Some specific duties of program personnel are:

- a. Promote training, career development, and advancement of qualified female employees within the merit system.
- b. Advise and inform management on issues which affect women's status, career development, and advancement opportunities.
- c. Promote the recruitment and hiring of women into the workforce within the merit system.
- d. Monitor available statistical data to assess and evaluate the progress of women.
- e. Provide employees with information on community services that affect their employability.
- f. Eliminate barriers which prevent women from achieving their individual goals.
- g. Increase the representation of women in training and developmental activities which enhance advancement in line with their abilities and interest.
- h. Increase the representation of qualified women in higher level and policy-making positions.
- i. Counsel women in career planning and encourage them to seek advancement opportunities.

673.54 **Other Program Participation**

- 673.541 The Women's Program participates in Affirmative Action Week activities, Career Awareness Conferences, Women's Program Committees or Councils, and appropriate management staff meetings, i.e., those that are special emphasis-related or that involve career counseling, training, and upward mobility issues.
- 673.542 The Women's Program initiated Career Awareness Conferences and continues to play a vital role in them. These conferences range from 1 to 3 days in length and are normally held on weekends at a site away from postal premises. They are designed to provide ALL employees with information about career growth, planning, and developmental resources.
- 673.543 The purpose of the Career Awareness Conference is to create an awareness among attendees about the kinds of opportunities available to all employees in the Postal Service. (See Management Instruction, EL-620-87-2, Career Awareness Conferences Guidelines, issued 4/10/87, for detailed operational procedures.)

673.55 **Supervisory Commitment**

- 673.551 Managers and supervisors must take an active role in the Women's Program as part of their responsibility to affirmative action.
- 673.552 Additionally, in carrying out the Affirmative Action Plan, every manager, supervisor, and postmaster is responsible for identifying barriers that may exist toward the advancement of qualified women and for taking action to eliminate these barriers.
- 673.553 The Women's Program works through the education and counseling of females about career opportunities available in the Postal Service. Managers and supervisors in turn must afford these employees the opportunity for training and development that will enable them to compete on a best qualified basis.

674 **On-Site EEO Evaluations**

674.1 **Purpose**

On-site evaluations provide the Executive Director, Office of EEO, regional EEO officers, Field Division General Managers/Postmasters, and appropriate staff an objective description of existing operating conditions as they pertain to AA/EEO and recommendations for achieving the desired results.

674.2 **General Concerns**

- a. Are AA/EEO program goals and objectives being met?
- b. Are the installations program methods and procedures consistent with postal AA/EEO objectives?
- c. Is the use of program resources consistent with fiscal year projections for the Multiyear AA/EEO Plan of action?

674.3 Results

Results of an on-site evaluation can assist managers to achieve optimum benefit from their AA/EEO programs. Managers may need to:

- a. Make decisions that redefine fiscal year AA/EEO goals.
- b. Implement new programs or modify programs already in existence.
- c. Ensure that programs and resources are being used effectively.

675 Complaint Processing/Appeals

675.1 Procedures

The established procedures for processing complaints of discrimination, described in 29 CFR 1613.201 *et seq.* and .401 *et seq.* and discussed in the context of the Postal Service are contained in Handbook EL-603, *EEO Complaints Processing*. This new handbook (scheduled for publication in the near future) replaces Regional Instruction 942-P-192, (Filing #747), dated 10-15-76. The established procedures form the following eight-stage system:

- a. Counseling.
- b. Investigation.
- c. Informal adjustment attempt.
- d. Proposed disposition.
- e. EEOC-hearing.
- f. Final agency decision.
- g. EEOC-Office of Review and Appeals.
- h. *U.S. District Court*.

675.2 Coverage

Employees at all levels and applicants for employment who feel discriminated against because of their race, color, religion, sex, national origin, age (40 and above), or physical or mental handicap, or because they have previously participated in EEO activity, have equal access to this system.

675.3 Processing Steps

675.31 Counseling

The complainant must consult an EEO Counselor/Investigator within 30 days of the alleged incident or within 30 days of the effective date of a personnel action. The EEO Counselor/Investigator will attempt to resolve the complaint informally through discussions with the complainant and the complainant's supervisors and the review of pertinent records. The inquiry should be completed and a resolution attempted within 21 days of the initial contact between the Counselor/Investigator and the complainant. If the complainant is satisfied with the informal resolution, the case is resolved. If the complainant is not satisfied, the EEO Counselor/Investigator advises the complainant of the procedures for filing a formal complaint.

675.32 **Investigation**

If the complainant files a formal complaint in writing with the Manager, EEO Complaint Processing, within 15 days of the final interview and that complaint is accepted by the Manager, EEO Complaint Processing, the EEO Counselor/Investigator will conduct an investigation. The investigation will include conducting interviews and obtaining affidavits, researching records and other pertinent data to determine the events leading to the complainant's allegations. The Counselor/Investigator:

- a. Collects information.
- b. Prepares an investigative file which includes a report summarizing the issues involved.
- c. Submits a copy to the EEO officer or designee.
- d. Provides a copy to the complainant and his or her representative.

675.33 **Informal Adjustment Attempt**

A designated informal adjuster will then attempt to resolve the complaint informally. This process differs from the Counselor/Investigator's earlier informal efforts to resolve the complaint in that both parties now have the investigative report. If agreement is reached, it is put in writing and signed by both parties. Such an agreement is binding on all parties.

675.34 **Proposed Disposition**

If the complaint is not adjusted informally, the Field Director, Human Resources, sends a letter to the complainant advising the complainant of his or her opinion on the complaint and of her or his rights of appeal. The investigative file and the proposed disposition letter are then returned by the informal adjuster to the Manager, EEO Complaint Processing. A complainant who is not satisfied with the letter of proposed disposition has 15 days from the date of receipt of that letter within which to request a hearing or a final agency decision without a hearing.

675.35 **EEOC Hearing**

If the complainant requests a hearing, the Manager, EEO Complaint Processing, forwards the complaint file to the appropriate District Office of the Equal Employment Opportunity Commission and requests the appointment of an Administrative Judge. The Administrative Judge will preside at the hearing and forward his or her analysis, findings, and recommended decision to the Human Resources Service Center located at the region.

675.36 **Final Agency Decision**

The Field Division General Manager/Postmaster renders the final agency decision for the Division if no hearing has been requested. If a hearing has been held, the Regional Postmaster General will issue the final agency decision. The decision is sent to the complainant along with a copy of the hearing transcript and the Administrative Judge's recommended decision (if a hearing was held).

675.37 **Appeals and Civil Actions**

The complainant has 20 calendar days from the receipt of the final agency decision to submit an appeal to the EEOC's Office of Review and Appeals, or 30 days to file a civil action in the appropriate U.S. District Court. After receiving the result of the appeal to the EEOC's Office of Review and Appeals, the complainant may file a civil action in the appropriate U.S. District Court within 30 days. A civil action may also be filed anytime after 180 days from the date the formal complaint was filed if a final agency decision has not been rendered.

675.38 **Withdrawal of Complaint**

A complaint may be withdrawn at any time if the withdrawal is in writing and signed by the complainant. The withdrawal must state that it was not induced by threats, coercion, or intimidation. If a complaint is withdrawn, the entire file, including the withdrawal statement and any disposition report, is retained by or forwarded to the Manager, EEO Complaint Processing.

675.4 **Chart — Time Limits**

Throughout the EEO complaint process, there are time limits imposed on both the agency and the employee to ensure that the process moves along expeditiously. The steps and time limits in the EEO Complaint Process are:

Item	Time Period (Calendar Days)
Employee or applicant consults with an EEO Counselor/Investigator.	Within 30 days of the alleged discriminatory action or the effective date of a personnel action.
EEO Counselor/Investigator conducts inquiry and attempts informal resolution	Within 21 days (not mandatory) of the date of initial contact between counselor and counselee.
Complainant files a formal complaint.	Within 15 days of the final interview with the EEO Counselor/Investigator.
Following the receipt of the proposed disposition, complainant requests a hearing or requests an agency decision without a hearing.	Within 15 days after receiving the notice of proposed disposition.
Complainant makes appeal to the EEOC Office of Review and Appeals (ORA).	Within 20 days after receiving the final agency decision.
Complainant files civil action in the appropriate U.S. District Court. ¹	Within 30 days after receiving the final agency decision -OR- Within 30 days after receiving the decision of the ORA on the appeal.

¹ A civil action may also be filed anytime after 180 days of the date of initial appeal to the Commission if no decision has been rendered, or within 180 days from the date the formal complaint was filed if a final agency decision has not been rendered.