

GUIDELINES FOR EQUAL OPPORTUNITY COUNSELORS

ROLE OF THE EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR

The Equal Employment Opportunity Counselor plays a vital role in the EEO program. The Counselor's primary responsibility is to serve as a liaison between an aggrieved employee and supervisor and/or management in order to informally resolve EEO related problems. The Counselor's responsibilities dovetail with and are a natural extension of the Office of Equal Opportunity (OEO).

EEO counseling begins when an employee comes to the counselor with a problem. It is not the Counselor's role to seek out business. The Counselor's role is to establish an open and sympathetic channel through which employees may raise questions, discuss grievances, get answers, and on an informal basis resolve EEO related problems. Counselors serve as a "bridge" between employees, supervisors, division directors, and are responsible for trying to clear up problems brought to their attention by employees. The employees' problems should be discussed with the supervisory personnel concerned and efforts made to find solutions where it is possible to do so.

The Counselor should listen sympathetically, attempt to win the employees' confidence and maintain an atmosphere which facilitates communication. It is the Counselor's responsibility to inform employees of their rights to file a formal complaint when attempts to resolve an informal complaint fails.

Counselors should not attempt to carry out an investigation into a charge since the investigation process is part of a formal complaint.

Counselors should work closely with OEO yet should not participate in the formal complaint process, thereby allowing them to be readily accessible to employees and supervisors and to be able to function effectively on an informal basis.

SELECTION OF EEO COUNSELORS

EEO Counselors should be elected by employees within their division/departments/office.

Elections should be held as necessary to fill vacant counselor positions. Divisions with separate facilities should opt to hold elections in each major facility.

EEO counseling activity should not be assigned to supervisors since they may be involved in the processing of personnel actions affecting persons who seek the services of an EEO Counselor.

It is inadvisable to appoint EEO Counselors since the counselor should be one with whom all employees will have confidence.

ASSIGNMENT OF EEO COUNSELORS

The number of counselors within each division/department/office should vary according to the number of past EEO problems raised. It is recommended that for divisions/departments/office with up to fifty (50) employees, there should be one (1) counselor assigned and thereafter, one (1) for every additional fifty (50) employees.

TRAINING OF EEO COUNSELORS

EEO Counselors will be trained and briefed on the EEO program in formal training sessions to be held annually. In addition, training will be conducted in an informal manner on a quarterly basis to enable counselors to come together in small group sessions. These sessions will take the form of workshops or retreats designed to help counselors maintain a high degree of interest in the program and to enhance their knowledge in areas such as:

1. Relevant legislation which impacts EEO.
2. Counseling Techniques
3. Effective Communication Skills

Sessions may include role-playing, sharing experiences with past situations, and briefing OEO on counseling activities.

WHAT SHOULD A COUNSELOR DO IF:

If a complaint does not involve an allegation of discrimination on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, marital status or political affiliation, the Counselor should direct the employee to the proper channels for resolution.

If the Counselor is unsure whether the complaint constitutes discrimination, the Counselor should contact OEO.

If the complaint clearly involves an allegation of discrimination based on race, color, religion, sex, national origin, age, disability, sexual orientation, marital status, or political affiliation, the Counselor should discuss the matter with the employee, make

appropriate inquiries and attempt to informally settle the matter.

MAKING INQUIRIES

After the initial interview with the employees, the Counselor should determine what facts will be needed to resolve the problem. The Counselor should then attempt to gather the necessary information through communication with the appropriate personnel. Communication should be conducted informally and without a great deal of documentation.

INFORMAL RESOLUTION

When the Counselor believes there is sufficient information to resolve the problem, resolution should be attempted by talking with the employee and appropriate supervisory personnel either separately or together.

The solution proposed should be based on the facts gathered. If an action is suggested to Management, it should be reasonable and should not be in violation of Civil Service Rules and Regulations. If Management agrees to some action, the Counselor may suggest that the employee be advised in writing.

TERMINATION OF COUNSELING WHEN INFORMAL RESOLUTION FAILS

The Counselor cannot resolve all problems. The employee and/or management might not agree with the Counselor's resolution of the matter and/or proposal. As soon as a reasonable time has elapsed and attempts to informally settle the problem have failed, the employee should be advised of the right to file a formal complaint.

The Counselor should not advise nor attempt to restrain an employee from filing a formal complaint. EEO counseling is conducted informally; therefore, the Counselor should not make findings of discrimination.

EEO COUNSELOR ELECTION PROCEDURES

Division Directors, Office Directors or their designee will advise employees by memorandum of the impending EEO Counselor elections, ten (10) days in advance of elections.

Employees will be advised that nominations (including self-nominations) for one (1)

EEO Counselor per fifty (50) employees per office or division are to be submitted to the designated representative of the division or office within five (5) days. EEO Counselors should not hold positions above the Level II in a class series and generally should not have official supervisory responsibility as described in their job class specifications.

All nominations will be placed on the ballot and elections held on the designated Election Day. Those employees receiving the highest number of votes will be selected. The Division Director or designated representative will tally the results and notify the selectees and staff of the election results.

For example, if a division has 200 employees, elections should be held for four (4) EEO counselors. If ten (10) eligible employees are nominated, all will be placed on the ballot with the top four (4) vote getters being elected.

Other options such as counselors elected by facility (possible for Libraries or Parks for example) should be cleared through the EEO Counselor Coordinator in the Office of Equal Opportunity.

In the event the number of nominees' falls short of the number of available EEO Counselor slots, the interested individuals will be designated EEO Counselors and the staff will be advised by memorandum of this decision.

If there are no interested persons within a division or office, the Director shall select an employee who is willing to serve. Employees will be advised by memorandum of the name and location of their EEO Counselor.

Any problems associated with this process shall first be raised with the Division or Department head. If employees are not satisfied with this process, they may further direct their concerns to OEO.

I _____, _____,
(Name) (Division)

Certify that the EEO Counselor elections represented in the attached documentation accurately reflects the events and selection recorded on them.

Signature

Date