



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEASTO 12713.1
EEO
02 FEB 2012

MARINE CORPS INSTALLATIONS EAST ORDER 12713.1

From: Commanding General
To: Distribution List

Subj: DISCRIMINATION COMPLAINTS PROCESSING SYSTEM

Ref: (a) 29 CFR Part 1614
(b) 5 CFR Part 724
(c) EEOC MD 110
(d) EEOC MD 715
(e) DON Discrimination Complaints Program Management
(f) SECNAVINST 12250.6
(g) MCO 12713.6

Encl: (1) Reports Required

1. Situation. Per references (a) through (g), Marine Corps policy assures Equal Employment Opportunity (EEO) employees and applicants; prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, age, genetic information, or disability; prohibits acts of reprisal against persons presenting or processing allegations of discrimination; and promotes the full realization of EEO through continuing affirmative programs of equal employment opportunity. This policy is an integral part of every aspect of human resources management practices in the employment, development, advancement, and treatment of civilian employees.

2. Mission. To establish a uniform system for processing and monitoring EEO complaints of discrimination within Marine Corps Installations East (MCIEAST).

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order promulgates policy and procedures for the administration and management of the MCIEAST EEO Discrimination Complaints Processing System.

(2) Concept of Operations

(a) All MCIEAST military and civilian supervisors and employees will protect the integrity of the discrimination complaints process by avoiding any actions that violate laws, regulations, or

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this Order. Command activities will avoid conflicts of interest in the processing of discrimination complaints. Discrimination complaints will be processed promptly, impartially, and in compliance with the timeframes and procedures established in references (a), (c), and (e).

(b) Corrective and/or disciplinary action will be considered and documented when there is a finding of unlawful discrimination.

(c) Human resources management policies or practices, found to have an unlawful discriminatory impact on a protected group, will be modified to nullify such impact.

b. Subordinate Element Missions

(1) Equal Employment Opportunity Officer (EEOO). The senior command official (commanding general or commanding officer) of each activity is the EEOO for that activity by virtue of the command position and is personally responsible for executing EEO Policy. The EEOO shall:

(a) allocate adequate resources to administer and manage their organization's civilian EEO Program; ensure EEO Officials responsible for the discrimination complaints process are free from interference and reprisal in the execution of their duties and in their efforts to maintain the integrity of the process.

(b) Attempt early resolution of complaints;

(c) ensure the availability of an Alternative Dispute Resolution (ADR) Program, and designate management officials to participate; promote the use of ADR methods and techniques to locally and cost-effectively resolve complaints.

(d) Promote accountability by demonstrating personal commitment to equality of opportunity, requiring periodic informational reports and/or briefings, and ensuring that appropriate training is made available to managers, supervisors, employees, and EEO Practitioners regarding roles and responsibilities within Department of Navy (DON) EEO Program;

(e) publicize and communicate discrimination complaint procedures, including the identity and telephone numbers of designated EEO Counselors, to all employees and applicants for employment;

(f) ensure that supervisors, managers, and employees understand and meet their EEO Program responsibilities with respect to discrimination complaints management;

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(g) designate an Agency Representative (AR) as necessary to present the agency's opinion, in the best interests of the Secretary of the Navy;

(h) accept, dismiss, and/or settle discrimination complaints in coordination with, or via, delegated authority to the Deputy Equal Employment Opportunity Officer (DEEEO), in accordance with references (a), (c), and (e);

(i) ensure that all pertinent records, required to fully adjudicate a complaint, are maintained by the activity, Command EEO office, and/or servicing Civilian Human Resource Office (CHRO)/Human Resource Service Center (HRSC); and

(j) modify policies and practices found to have an unlawful impact.

(2) Deputy Equal Employment Opportunity Officer (DEEEO). The DEEEO is a special staff officer and the principal program manager and advisor to the EEOO on all EEO matters and will have direct and unrestricted access to consult with the EEOO. The DEEEO has major program responsibility for planning, developing, and monitoring EEO plans and programs. The DEEEO shall:

(a) work closely with appropriate members of management and management support staff of serviced activities to achieve resolutions of disputes, when feasible and appropriate, at each stage of the complaint process;

(b) develop and deliver EEO training for EEO counselors, supervisors, and employees;

(c) ensure all EEO Counselors and other EEO Practitioners are fully trained consistent with reference (c); ensure document qualifications and training requirements have been completed prior to assignment of counseling duties.

(d) Direct the official activities of EEO Counselors to ensure adherence with applicable regulations, policies, and case law;

(e) ensure the accuracy and completeness of the official complaint records;

(f) request the assignment of investigators to conduct formal discrimination complaint investigations, and provide support to facilitate the completion of the investigations, fact finding conferences, and complaint settlement;

(g) ensure data on informal and formal complaints is entered into the prescribed DON automated tracking system to meet reporting requirements; establish a process to ensure entries are

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timely, accurate, and complete. Periodically conduct data quality reviews and document the results of such reviews.

(h) Monitor and ensure that all aspects of the complaints process are conducted in a timely, objective, and effective manner as mandated by section 108 of reference (a); ensure the accuracy and completeness of the official complaint record.

(i) Coordinate with the AR and others, as deemed appropriate, to determine the best course of action in novel or controversial cases;

(j) coordinate settlement agreements among activity personnel to include AR;

(k) route all acknowledgment and dismissal of individual complaints of discrimination through the Eastern Area Counsel Office (EACO);

(l) route all settlement agreements and offers of resolutions through the EACO prior to submission to command or management officials for signature and/or implementation; and

(m) provide monthly updates to the EEOOs on the status of command complaint activity.

(3) EEO Counselors. EEO Counselors assist the DEEOO in resolving discrimination complaints. EEO Counselors shall:

(a) advise employees, former employees, or applicants seeking counseling of their rights and responsibilities in the discrimination complaints process;

(b) function as a facilitator between the aggrieved person and management to seek reasonable informal resolution. EEO Counselors are responsible for reducing to writing agreements to resolve disputes during pre-complaint. If resolution is achieved, it will be properly documented, in accordance with the references.

(c) Conduct the informal processing of class complaints to include developing the record; coordinate processing of class complaints with the designated AR.

(d) Gather and document sufficient information to determine whether to accept or dismiss issues/claims of the complaint; include information that objectively reflects the pre-complainant's allegations and management's position concerning those claims of discrimination.

(e) Prepare a thorough complaint file and report of inquiry, and ensure that all relevant documentation is included in the record;

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(f) maintain records indicating when the aggrieved person first contacted the counselor/EEO office and the matters raised by the aggrieved person. These records will document the inquiry methods that were used to reach a resolution, the results of the inquiry, and will provide specific facts to be included in the counselor's written report to the DEEOO upon completion of counseling.

(g) Issue and maintain all notices and documents pertaining to the informal stage of the complaint. This includes, but is not limited to, the Notice of Rights and Responsibilities and the Notice of Extension of EEO Counseling.

(h) Notify the employee, former employee, or applicant of the right to file a formal complaint by issuing a Notice of Final Interview within 30 days of the date the complainant brought the claim(s) to the attention of the EEO Counselor, or at the expiration of any written agreed-upon extension;

(i) forward an accurate and complete Counselor's Report to the DEEOO/EEO Case Manager upon notification that a formal complaint has been filed;

(j) work closely with appropriate management officials, counsel, and staff to achieve resolutions and settlements whenever feasible;

(k) coordinate settlement agreements with the DEEOO, EEO Case Manager, CHRO, HRSC, activity management, AR, and any other appropriate individual or staff office;

(l) do not influence the aggrieved in deciding whether to file a formal complaint, emphasizing the decision to file rests solely with them; and

(m) provide official reports when directed by the DEEOO.

(4) Human Resources Director (HRD). The servicing HRD shall:

(a) integrate EEO principles into all HR functions to support EEO policies and initiatives and avoid workplace disputes;

(b) allocate sufficient CHRO resources and coordinate with DEEOO to ensure availability of adequate resources to effectively implement EEO goals and objectives at the activity or command level;

(c) designate an adequate number of qualified and trained EEO Counselors and DEEOO to service activities;

(d) meet DON requirements for timeliness of discrimination complaint processing at the activity or command level;

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(e) cooperate with EEO Counselors, investigators, ARs, and DEEO in providing information and access to records necessary to investigate and resolve allegations of discrimination; and

(f) provide access to the Defense Civilian Personnel Data System (DCPDS) for prescribed DON automated tracking system.

(5) Agency Representative (AR). The AR is appointed by the EEO to represent the DON in third-party proceedings. The AR works closely with EEO Officials responsible for processing complaints to represent the best interests of DON, while maintaining the integrity of the discrimination complaint process. Unless otherwise directed by the EEO, the EACO will supply the AR for all EEO complaints of discrimination pertaining to Marine Corps Installations East. The AR will:

(a) serve as DON Representative, ensuring appropriate coordination with EEO and HR Officials on all issues pertaining to discrimination complaints processing;

(b) review all acknowledgment and dismissal of individual complaints of discrimination. The AR advising on acknowledgment or dismissal of an individual complaint of discrimination will not be the designated AR if/when the complaint progresses to the formal stage.

(c) Ensure DON's position on complaints is supported by objective evidence at both the investigative and hearing stages of the complaint. This may require being available during investigations to assist management witnesses in fully responding to the claim(s). AR's will be available to management and will be present at investigations if requested by management.

(d) Draft or review proposed settlement agreements and offers of resolution. All settlements of EEO complaints will be coordinated with the servicing HRO as appropriate.

(e) Advise appropriate management officials regarding proposed terms of settlements;

(f) notify and provide supporting documentation to the DEEO/EEO Case Manager when litigation is initiated or terminated on any EEO complaint; and

(g) respond to appeals of Final Agency Decisions (FADs) or Requests for Reconsideration (RFRs) filed by complainants, and file appeal briefs and RFRs on behalf of DON.

(6) Managers/Supervisors. Managers and supervisors shall:

(a) ensure that their actions are free from discrimination based on race, color, religion, sex, national origin, age, disability,

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genetic information, or reprisal because of involvement with a discrimination complaint at any stage of the process or opposition to an unlawful discriminatory employment practice;

(b) provide a work environment free from hostile, discriminatory, or offensive behavior, including sexual and other forms of harassment, and promptly provide reasonable accommodations for qualified individuals with a disability;

(c) take action to correct discriminatory action or conduct should they occur;

(d) participate and cooperate in reasonable resolution attempts, including ADR; take timely action to fully implement the terms of binding settlement agreements.

(e) Ensure that complainants and their representatives are permitted a reasonable amount of official time to work on their complaints;

(f) ensure that subordinates fully cooperate with mediators, EEO Counselors, AR, investigators, and other EEO Officials involved in the processing of discrimination complaints;

(g) seek assistance from EEO Officials and ARs and act promptly to prevent and/or correct situations that may give rise to complaints of discrimination;

(h) ensure that subordinates refrain from actions or comments that could be viewed as discriminatory. Officials should recuse themselves from participation in processes or decisions that would create a perception or actual conflict of interest.

(i) Ensure employees have access to information regarding discrimination complaint procedures;

(j) cooperate with EEO Program Officials, counselors, investigators, and the designated AR, at every stage of the complaints process; and

(k) management officials may sign settlement agreements granting relief in areas over which they have complete control. However, it is imperative that the chain of command be kept completely informed of any new obligations that subordinate management officials propose to agree and thereby created in the EEO process. Therefore, managers are required to provide information to the chain of command, while at the same time maintaining the integrity and confidentiality of the EEO process. The EEO Manager, AR, and the HRD shall coordinate to ensure the integrity of the process is maintained in all situations

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involving negotiated settlements. [Note: All settlement agreements or offers of resolutions will be routed through the EACO prior to submission to command or management officials for signature and/or implementation.]

(7) Employees. Employees shall:

(a) conduct themselves in a manner consistent with the principles of EEO and refrain from activities that reflect adversely on the Marine Corps;

(b) cooperate with EEO Program Officials, counselors, investigators, and ARs, as required; and

(c) encouraged to advise immediate supervisors when a potential source/area of discrimination is recognized.

(8) Complainants. Complainants shall:

(a) comply with the time limits and procedures set forth in references (a), (c), and (e);

(b) provide information necessary for counseling and processing of claims of discrimination;

(c) cooperate with EEO Program Officials, counselors and investigators, as required; and

(d) serve all required documents on designated Agency Officials.

(9) Organizational Commanders, Heads of Command Staff Sections, and Department Heads where Civil Service/Non-Appropriated Fund Personnel are employed. These officials shall:

(a) ensure that supervisors are familiar with the requirements of this Order;

(b) ensure that all personnel receive adequate training with regard to the DON EEO program;

(c) ensure that all official bulletin boards under their cognizance permanently display the following:

1. The Commander's EEO Policy Statement and contact information of their servicing EEO Program Officials.

2. A copy of this Order.

(d) Take corrective and/or disciplinary action as appropriate, under the circumstances when an employee is found to have engaged in a discriminatory practice; and

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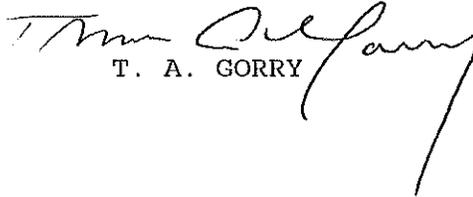
(e) ensure cooperation with EEO Counselors, investigators, and ARs in providing information necessary to investigate and resolve allegations of discrimination.

4. Administration and Logistics. Discrimination complaints will be processed promptly, impartially, and in compliance with the timeframes and procedures established in references (a), (c), and (e).

5. Command and Signal

a. Command. This Order is applicable to MCIEAST.

b. Signal. This Order is effective the date signed. A copy of this Order will be posted on all official bulletin boards.


T. A. GORRY

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Reports Required

| <u>REPORT TITLE</u> | <u>REPORT CONTROL SYMBOL</u> | <u>PARAGRAPH</u> |
|--|----------------------------------|--------------------|
| I. Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints | MCIEAST-12713.1-4 | 3.b.2.n 3.b.3.m |
| II. EEO Management Directive Report-MD715 | MCIEAST-12713.1-5 | 3.b.2.n 3.b.3.m |
| III. Hispanic Employment Program Annual Status Report | MCIEAST-12713.1-6 | 3.b.2.n 3.b.3.m |
| IV. Federal Equal Opportunity Recruitment Program (FEORP) Report | MCIEAST-12713.1-7 | 3.b.2.n 3.b.3.m |
| V. Notification and Federal Employee Antidiscrimination Act Annual Report | MCIEAST-12713.1-8 | 3.b.2.n 3.b.3.m |
| VI. USMC Request for Reasonable Accommodation Report | MCIEAST-12713.1-9 | 3.b.2.n 3.b.3.m |
| VII. EEO Counselor's Report | MCIEAST-12713.1-10 | 3.b.3.f |