



EEOC Survey of EEO Directors on Processing EEO Conflict Cases

Introduction

To EEO Directors and Agency Complaints Managers: EEOC is preparing to issue a report on best practices for handling of conflict cases within the federal sector. A conflict case is one where there is an appearance of potential partiality, i.e., the individual(s) alleged to have discriminated occupies a position in which they might influence or appear to have influence over the outcome of an EEO complaint.

We are surveying EEO offices to gather data, lessons learned, and recommendations to produce a report for guidance to our federal EEO stakeholders. We sincerely appreciate the time and thought that goes into providing thorough and complete responses to the questions below.

If you have any questions regarding this survey you may contact Mildred Rivera, Attorney Advisor, Office of Federal Operations Reports and Evaluation Division at mildred.rivera@eoc.gov.

* 1. What position do you hold?

- EEO Director
- Complaints Manager
- Other (please specify)



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* 2. How do you define a "conflict" case? Check as many as apply.

- a. An individual who wants to be counseled on a potentially discriminatory action taken by someone in the EEO Office
- b. An individual who wants to be counseled on a potentially discriminatory action taken by some senior leader in the chain of command above the agency EEO Director.
- c. An individual who wants to file a complaint involving someone in the EEO Office
- d. An individual who wants to file a complaint involving a senior official in the chain of command of the agency EEO Director
- e. Other (please specify)

* 3. Approximately how many conflict cases (informal and formal) are filed at your Agency in a year? (Please be as specific as possible.)

* 4. Does your office have a written policy on the processing of conflict cases? (If yes, please provide a copy to conflict.survey@eeoc.gov.)

- Yes
- No



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* 5. If your office does not have a written policy on the processing of conflict cases, please describe your process.



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* 6. Who typically processes your conflict cases?

- a. Another EEO office within your Agency
- b. A different federal agency
- c. A contractor or other private company
- Other (please explain)

* 7. How do you choose who processes the conflict case?

- a. My office does not choose who processes the conflict case
- b. My office has contacts/relationships with other EEO offices within the Agency
- c. My office has contacts/relationships with other EEO offices at different federal agencies
- d. My office has a contract in place for the processing of conflict cases
- e. Other (please explain)

* 8. If you have a written agreement with an external agency, or other organization, related to processing conflict cases, please check yes below and provide a copy to conflict.survey@eeoc.gov.

- Yes
- No



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* 9. If you do not have a written agreement, please describe the informal agreement between your agency and the other party.

* 10. Who chooses the investigators that process your conflict cases? How are they chosen?

- a. My office chooses the investigators
- b. The agency/company processing the complaint chooses the investigators, with input from my office
- c. The agency/company processing the complaint chooses the investigators, with no input from my office

* 11. In conflict cases that you process, who pays the cost?

- a. Our agency
- b. The referring agency
- c. There is no cost associated with the processing
- Other (please specify)

* 12. When applicable, who writes the final agency decision for conflict cases?

- a. My office
- b. The agency/company processing the complaint
- Other (please identify)

* 13. Who signs the FAD in a conflict case?

- a. My EEO Director
- b. My agency head
- c. The other agency's EEO Director
- d. Another agency's head
- e. Other (please specify)

* 14. Is there an individual outside of your EEO office for employees and/or applicants to contact if they believe their complaint may pose a conflict of interest to the EEO office?

- Yes
- No



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- * 15. You stated that there is an individual outside of your EEO office that employees and/or applicants can contact if they believe their complaint may pose a conflict of interest to the EEO office , how is this information disseminated to employees and or applicants?



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* 16. What are the most common challenges when processing conflict cases? (Check as many as apply).

- a. Finding an office/agency/company to process the conflict case
- b. Lack of oversight in the processing of the conflict case
- c. Lack of timeliness in the processing of the conflict case
- d. Lack of communication with the office/agency/company processing the conflict case
- e. Poor quality of investigation of the conflict case.
- f. Other (please explain)

* 17. Do you process conflict cases for another agency? Check as many as apply.

- No
- Yes, for other bureaus within my organization
- Yes, for other agencies.

18. What lessons have your office learned about handling conflict cases?

19. What recommendations or best practices can you provide to EEOC for our report? Please be specific.

20. EEOC will gather together a focus discussion group on this topic. If you would like to be part of this group, please provide your contact information below. We will try to select a group that is representative of our diverse population of federal agencies.

Name

Agency

Email Address

Phone Number