

MANAGERS/SUPERVISORS GUIDE WHEN AN ALLEGATION OF DISCRIMINATION HAS BEEN FILED

Supervisors and managers are involved in an overwhelming majority of day-to-day decisions that ultimately may become the subject of an EEO dispute (complaint of discrimination). As an example, you are involved in decisions such as assignment of work; promoting; hiring; performance ratings; awards; leave/overtime; and when necessary, taking corrective disciplinary action. If named in an EEO Complaint as a Responsible Management Official (RMO), you will have to respond to allegations of discrimination. Therefore, it is essential that you understand your responsibilities and rights.

Supervisors and managers, both civilian and military, who supervise civilian employees, **are responsible for**:

- a. Ensuring their actions are free from discrimination based on race; color; religion; sex (including pregnancy); national origin; age (40 or over); disability (mental and/or physical); genetic information; or reprisal (because of involvement with a discrimination complaint at any stage of the process or opposition to an unlawful discriminatory employment act/practice);
- b. Taking action to ensure a workplace free from hostile, discriminatory, and offensive behavior, including sexual harassment, and taking immediate steps to correct such situations should they occur;
- c. Monitoring employee conduct and taking corrective action as required;
- d. Communicating discrimination complaint procedures to employees;
- e. Cooperating with EEO officials, EEO/HR specialists, investigators, and the designated Agency Representative, including providing supporting documentation in a timely manner;
- f. Seeking reasonable resolution of potential complaints during the pre-complaint stage and cooperating with efforts to settle formal complaints; and
- g. Keeping their chain of command/leadership advised of the complaint and the input they provide during its processing.

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You have the right to:

- a. Be made aware of the specific allegations of discrimination for which you have been named as the RMO;
- b. Approve your employee's requests for official time to determine reasonable amounts of official time are being used (you and your employee should arrive at a mutual understanding as to the amount of official time to be used prior to the employee's use of that time);
- c. Present any evidence in support of your position in defending the allegations of discrimination for which you have been named as the RMO. NOTE: It's important that all parties get their side of the dispute on record at the earliest possible stage;
- d. Be provided with the name/number of the designated Agency Representative (AR). NOTE: The AR represents the Department of the Navy and not the local activity or individual against which the allegation of discrimination is made. Managers are entitled to a personal representative (not the AR) to represent their own interests in the processing of a complaint;
- e. Review the complaint file prior to giving testimony at the formal investigative stage and/or hearing stage;
- f. Review any transcript, statement or affidavit reflecting your interview; and
- g. Discuss with the Labor & /Employee Relations Specialist and/or Office of General Counsel staff whether participation in Alternative Dispute Resolution (ADR) might be an appropriate technique to resolve the dispute more quickly, cheaply, and satisfactorily.

If you have any questions or concerns during the processing of your employee's EEO complaint, please feel free to call the **NETC EEO Intake Line at 850-452-4180.**