

**BONNEVILLE POWER ADMINISTRATION
HUMAN CAPITAL MANAGEMENT
Portland, Oregon**

PERSONNEL LETTER (PL): 720-1

DATE: February 19, 2009

SUBJECT: Equal Employment Opportunity (EEO) Collateral Duties

PURPOSE

- Describes the nature of EEO collateral duty assignments and provide the procedures for documenting EEO collateral duties in official position descriptions.
- Describes EEOC's training requirement for new EEO Counselors.
- Extends the duration of collateral duty assignments from two to four years.
- Supersedes PL 720-1 dated July 17, 2001.

POLICY SUMMARY

This policy provides procedures and documentation requirements associated with EEO collateral duty assignments for EEO Counselors and Special Emphasis Program Coordinators. Prior to assuming their new duties, these individuals must receive thirty-two hours of EEO training. EEO collateral duty assignments are extended from two to four years, and may be extended up to eight years with the concurrence of the manager of the employee's primary position. Assignments may be ended or reassigned to another employee at management's discretion without adverse action.

TABEL OF CONTENTS

PURPOSE	1
POLICY SUMMARY	1
I. DEFINITIONS	3
II. RESPONSIBILITIES	3
III. COVERAGE	3
IV. PROCEDURES, QUALIFICATIONS, SELECTIONS AND REQUIRED DOCUMENTATION	4
V. TRAINING REQUIREMENTS	5
VI. REFERENCES	7
Attachment A - Amendment to position description for EEO Counselor	8
Attachment B - Amendment to position description for Special Emphasis Program Coordinator	10
Attachment C – Memorandum of Understanding	12

I. DEFINITIONS

EEO Collateral Duty Assignments

Are official EEO duties and responsibilities assigned to an employee in addition to the primary duties and responsibilities of the job/position the employee occupies.

EEO Counselors

Serve as a neutral third party to provide confidential technical assistance to employees on EEO discrimination complaints processing and resolution procedures. They attempt to resolve, on an informal basis, allegations of perceived discrimination based on race, color, sex, religion, national origin, age, physical/mental disability or retaliation.

EEO Special Emphasis Program Coordinators

Coordinators are employees who analyze employment policies and practices to identify barriers to the hiring, development, advancement, and retention of a particular constituency. They recommend to management changes in personnel policies, practices, and procedures; initiate affirmative employment efforts; participate in the implementation of the Federal Equal Opportunity Recruitment Program; and monitor and evaluate results.

II. RESPONSIBILITIES

Civil Rights Officer

1. Is responsible for selecting EEO Counselors and Special Emphasis Program Coordinators, including those on a collateral duty basis to assist in the planning, implementation and monitoring of BPA's EEO and special emphasis program activities.
2. In addition, he/she is responsible for:
 - Ensuring the employee assigned collateral duty assignments will receive clerical/administrative support and office facilities to perform their collateral assignment duties, e.g., typing and program assistance, telephone coverage, office space for private counseling sessions and etc
 - Funding training and travel expenses that lead to successful performance of their collateral duty assignments
 - Certifying completion of required training

III. COVERAGE

The assignment of EEO collateral duties for EEO Counselors and Special Emphasis Program Coordinators:

- A. May not constitute the primary purpose for establishing or continuing the position;

- B. Does not constitute a grade controlling duty or responsibility;
- C. May not be a primary duty of the job/position (it must constitute less than 20% of the employee's work time);
- D. May be ended or reassigned to another employee at management's discretion without complying with adverse action regulations;
- E. Must be described in writing using the attached Memorandum of Understanding and made a part of the official position description for the employee who receives the assignment;
- F. Will not be a factor in rating the employee's performance of primary duties;
- G. Will be for four years. Collateral duty assignments may be extended an additional four years at the discretion of the appropriate Manager overseeing the program. EEO collateral duty assignments may not be extended past eight years.
- H. The employee may require technical guidance and review, but not supervision, from the Civil Rights Officer.
- I. Employees may request to end their collateral duty assignment without adverse action.

IV. PROCEDURES, QUALIFICATIONS, SELECTIONS AND REQUIRED DOCUMENTATION

- A. **Procedures:** Requests to fill collateral duty assignments are initiated by the appropriate Manager or assigned staff through the assigned Human Capital Management (HCM) Client Service Representative (CSR), who coordinates the entire selection process.
- B. **Qualifications:** Employees selected for collateral assignments will meet the Qualification requirement contained in Office of Personnel Management, Operating Manual for positions involving equal employment opportunity collateral assignments, which includes applying a crediting plan.
- C. **Selections:** All collateral assignments will be advertised BPA-wide through vacancy announcements for a minimum period of 15 calendar days. Selection for collateral duty assignments may be limited to candidates who are located within a specified commuting distance of a BPA facility.

An employee will be selected for an EEO collateral assignment by mutual agreement among both managers and employee.

D. Position Descriptions: After the selection, the assigned CSR will amend the official position description that covers the position the employee occupies. EEO collateral duties must be included in the position description to reflect the formal qualification requirements imposed on the position by the EEO collateral assignment and to permit a determination that there is no grade-level effect of the assignment. In addition, position descriptions must be amended to recognize an addition, deletion, or change of an EEO collateral assignment. The position description must:

- Name the official providing technical guidance and reviewing the work of the employee;
- Show the percent of the employee's work time that is spent on the EEO assignment; and
- Describe the duties and responsibilities of the collateral assignment in detail to clearly determine the correct series and grade level of the work. The description should include only information necessary for classification, staffing, and other closely related personnel administration purposes (Amendments to position descriptions are attached for EEO Counselors and Special Emphasis Program Coordinators).

Position descriptions for EEO Counselors cannot be amended until the employee meets the mandatory training requirement.

Amended position descriptions are filed with the employee's official position description of record and a copy is provided to the employee.

E. Memorandum of Understanding: When EEO collateral duties are assigned, a Memorandum of Understanding (MOU) is prepared by the appropriate Manager or designee outlining the conditions of the assignment. The MOU will be discussed with the employee and employee's supervisor and will accompany the employee's assignment/position description. (See Attachment C- sample MOU).

V. TRAINING REQUIREMENTS

A. EEO Counselors must receive a minimum of 32 hours of training certified by the Equal Employment Opportunity Commission (EEOC) in the following areas before BPA can officially assign them to provide EEO counseling duties:

1. An overview of the entire EEO process as indicated in 29 CFR Part 1614, which emphasizes important time frames in the EEO process and provides an overview of counseling, class action complaints and fragmentation issue analysis;

2. A review of the roles and responsibilities of EEO Counselors;
3. An overview of the statutes that EEOC enforces, including Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act of 1967, as amended (ADEA), and the Equal Pay Act of 1963 (EPA), explaining the theories of discrimination, including the disparate treatment, adverse impact, and reasonable accommodation theories, and providing more detailed instruction concerning class actions and issues attendant to fragmentation;
4. A review of the practical development of issues through role-playing or other activities designed to have trainees practice providing EEO counseling, including the initial in-take session with an aggrieved person, identifying claims, writing reports, and attempting resolution;
5. A review of other procedures available to aggrieved persons, such as the right to go directly to court under the ADEA, mixed case processing issues, including the right of election, class complaints processing issues, and the Union negotiated grievance procedures, including the right of election; and
6. An overview of the remedies, including compensatory damages, attorney's fees, and costs available to prevailing parties.

EEO Counselors will not provide counseling services prior to satisfactory completion of required training. In addition, EEO Counselors are required to receive at least eight hours of continuing Counselor training every year to keep EEO counselors informed of developments in EEO practice, law, and guidance, as well as to enhance and develop counseling skills.

B. Special Emphasis Program Coordinators must receive at least 16 hours of training within 90 calendar days of assignment to collateral duties. At a minimum, training will cover:

1. An overview of accountability for program activities on the part of management officials and the Special Emphasis Program Manager;
2. An overview of BPA merit promotion plans;
3. An overview of BPA's negotiated labor/collective bargaining agreements;
4. An overview of appointment authorities;
5. An overview of BPA's recruitment plan and recruitment activities; and
6. Roles and responsibilities of Advisory Committee Members.

VI. REFERENCES

- 29 CFR Part 1614 – Federal Sector Equal Employment Opportunity
- 5 CFR Part 720 – Affirmative Employment Programs
- Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions
- 5 CFR Part 410 - Training

Roy B. Fox
Chief Human Capital Officer

Attachment A - Amendment to position description for EEO Counselor
Attachment B - Amendment to position description for Special Emphasis Program
Coordinator
Attachment C – Memorandum of Understanding

Attachment A - Amendment to position description for EEO Counselor

Employee Name: _____ HRMIS Employee ID: _____

Introduction: This statement of duties describes the collateral duties performed by employees assigned to EEO Counselor positions. An EEO Counselor is a neutral third party who provides confidential technical assistance to employees on EEO discrimination complaints processing and resolution procedures.

Duties:

1. Attempts to resolve, on an informal basis, allegations of discrimination based on race, color, sex religion, national origin, age, physical/mental disability or retaliation.
2. Advises the aggrieved person about the EEO complaint process, the Bonneville Power Administration, Alternative Disputes Resolution ADR program, and other possible avenues of redress.
3. Assists the aggrieved person in determining the claim(s) and basis(es) of the potential complaint.
4. Conducts a limited inquiry to establish jurisdiction.
5. As a neutral, seek a resolution of the matter at the lowest possible level, and documents resolutions achieved during informal counseling.
6. Advises the aggrieved person of his/her right to file a formal complaint if attempts at resolution fail.
7. Prepares a counselor's report verifying that the counseling process was completed, if a formal complaint is filed.

Qualifications:

Employees who receive EEO collateral assignments should possess the following:

1. Understanding of how agency policies and practices affect the equal employment opportunities of all employees;
2. Understanding of the intent of the laws and regulations governing Federal equal employment opportunity;
3. Understanding of the employment problems of underutilized persons and classes in the workforce and labor market, particularly racial and ethnic minorities, women, older workers, people with disabilities, or the economically disadvantaged;
4. Ability to establish effective working relationships with and gain the confidence of managers and supervisors at all levels of the agency, as well as with employees regardless of their occupation, race, sex, ethnic heritage, disability or socioeconomic background;
5. Potential to acquire knowledge of the general structure of the Federal personnel system including classification, staffing, recruitment, performance evaluation, career development, labor relations, appeals, grievances, adverse actions, and employee rights and responsibilities;

6. General knowledge of the missions, organizational structure, and distribution of responsibilities within the agency;
7. Understanding of the current labor market, such as, types of jobs available, supply of and demand for certain types of skills, recruiting methods, sources of recruitment, and projected employment needs of the agency.

Ability to:

1. Learn complaint procedures in detail;
2. Learn basic EEO principles and terms;
3. Communicate both orally and in writing to explain procedures and regulatory requirements to complainants and management officials who may be angry, confused, or distressed because of the circumstances that caused the complaint, or because of the complaint itself;
4. Obtain and organize facts presented by persons who may be angry, confused, or distressed;
5. Conduct fact-finding to locate and obtain necessary documentation materials in connection with informal resolution of a complaint;
6. Gain an understanding of a particular EEO case, identify the issues, and apply the relevant personnel regulations and principles;
7. Clarify issues, discuss issues, and resolve misunderstandings if they exist (during the informal stage of a complaint);
8. Report facts objectively; and
9. Write simple, clear, and factual narrative statements (for reports).

Supervision:

The employee receives technical guidance and review, but not supervision from the Civil Rights Officer.

Classification Certification and Qualifications Requirement:

I certify that the EEO collateral assignment does not constitute the primary purpose for establishing or continuing the position, and that it constitutes less than 20% of the employee's work time. The assignment does not constitute a grade controlling duty or responsibility.

I certify the incumbent of this position is qualified, under the above criteria to perform the duties assigned.

This amendment is automatically canceled when the above duty assignment expires, is withdrawn, or is otherwise no longer applicable.

HCM Specialist Classifier

Date

Attachment B - Amendment to position description for Special Emphasis Program Coordinator

Employee Name: _____ HRMIS Employee ID: _____

Introduction: This statement of duties is developed to describe the collateral duties performed by employees assigned to Special Emphasis Program positions. A Special Emphasis Program Coordinator is an individual who analyzes employment policies and practices to identify barriers to the hiring, development, advancement and retention of a particular constituency.

Duties:

1. Responsible for managing the Special Emphasis Program in according to the laws, rules, regulations, and directives. Provides information to supervisors on guidelines and program directives for Special Emphasis Programs, evaluates progress, and identifies problem areas.
2. Analyzes workforce data to identify underrepresentation of minorities in BPA's workforce. Provides information on conspicuous absence and manifest imbalance to supervisors who are seeking to increase the diversity of their workforce. Assists with BPA's recruitment program to identify effective recruitment sources.
3. Serves as a liaison between employees and management on issues and concerns that arise, assuring that the lines of communication are open. Provides advice and assistance on EEO matters to assure compliance with Civil Rights laws and regulations.
4. Coordinates special emphasis observance programs celebrating various national monthly recognitions, i.e., National Hispanic Heritage Month, National Women's History Month, National Disability Month, National Black History Month, etc.

Qualifications:

1. Employees who receive Special Emphasis Program collateral assignments should possess the following:
2. Understanding of how agency policies and practices affect the equal employment opportunities of all employees;
3. Understanding of the intent of the laws and regulations governing Federal equal employment opportunity;
4. Understanding of the employment problems of underutilized persons and classes in the workforce and labor market, particularly racial and ethnic minorities, women, older workers, people with disabilities, or the economically disadvantaged;
5. Ability to establish effective working relationships with and gain the confidence of managers and supervisors at all levels of the agency, as well as with employees regardless of their occupation, race, sex, ethnic heritage, or socioeconomic background;
6. Potential to acquire knowledge of the general structure of the Federal personnel system including classification, staffing, recruitment, performance evaluation, career

development, labor relations, appeals, grievances, adverse actions, and employee rights and responsibilities;

7. General knowledge of the missions, organizational structure, and distribution of responsibilities within the agency; and
8. Understanding of the current labor market, such as, types of jobs available, supply of and demand for certain types of skills, recruiting methods, sources of recruitment, and projected employment needs of the agency.

Ability to:

1. Learn basic EEO principles and terms;
2. Communicate both orally and in writing to provide workforce information, advise to managers, and to coordinate and assist in recruitment activities related to under-representation with HCM staff;
3. Gain an understanding of a particular EEO case, identify the issues, and apply the relevant personnel regulations and principles;
4. Conduct special projects to resolve EEO problems through fact-finding, analyses and consulting efforts; and
5. Write simple, clear, and factual narrative statements (for reports).

Supervision:

The employee receives technical guidance and review, but not supervision from the Civil Rights Officer.

Classification Certification and Qualifications Requirement:

I certify that the EEO collateral assignment does not constitute the primary purpose for establishing or continuing the position, and that it constitutes less than 20% of the employee's work time. The assignment does not constitute a grade controlling duty or responsibility.

I certify the incumbent of this position is qualified, under the above criteria, to perform the duties assigned.

This amendment is automatically canceled when the above duty assignment expires, is withdrawn, or is otherwise no longer applicable.

HCM Specialist Classifier

Date

Attachment C – Memorandum of Understanding

DOE F 1325.8 e Electronic Form Approved by CGIR - 01/20/95(VB)
(8-89)

United States Government

Department of Energy

memorandum

Bonneville Power Administration

DATE:

REPLY TO
ATTN OF: **(Insert)**

SUBJECT: Memorandum of Understanding to Assignment of EEO Counselor/Special Emphasis Program Coordinator

TO: **(Employee's name)**

(Employee's name) will be given full managerial and supervisory support in the performance of his/her EEO collateral assignments.

The **(insert appropriate Manager or designee)** will discuss all aspects of the assignment with the employee and the immediate supervisor prior to the performance of any EEO related duties. This includes **(insert bulleted items)**:

- How and when the employee will be assigned EEO work.
- How the percent of the employee's work time devoted to EEO work will be adjusted to meet program goals.
- How Program results will be periodically technically reviewed (e.g. every 120 days) to determine the adequacy of achievements in relation to the amount of time devoted to the collateral work.
- How and when the employee will receive clerical/administrative support and office facilities to perform his/her EEO duties, i.e., typing and program assistance, telephone coverage, office space for private counseling sessions, etc.
- EEO collateral duty assignments will not be a factor in rating the employee's performance of primary duties.
- The EEO collateral assignment may be ended, or reassigned to another employee, at management's discretion without complying with adverse action regulations.
- The employee receives technical guidance and review, but not supervision from **(insert)**.

- EEO collateral duty assignment will be for four years. Collateral duty assignment may be extended at the request of the Civil Rights Officer or the Chief Human Capital Officer.
- How and when the employee will receive required training.
- How time and attendance is charged for travel, training, and assignments.

Signed:

(Supervisor)

(Date)

(HCM CSR)

(Date)

cc:

Official Personnel Folder

Official File – DGE-1 (PE-)

(Insert employee name and routing)

(Insert employee’s supervisor)