



United States Department of the Interior



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT Washington, D.C. 20240

April 23, 2020

Memorandum

To: All OSMRE Employees

From: Lanny E. Erdos
Acting Director

Subject: Equal Employment Opportunity (EEO) Policy Statement

As the Acting Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE), I am committed to ensuring a work environment free of discrimination and harassment in all of our activities, programs and operations.

This OSMRE EEO policy places particular emphasis on the EEO Process and ***prohibited discrimination*** based upon race, color, sex (including pregnancy, sexual orientation, and gender identity), national origin, religion, age (40 and over), disability, genetic information, and reprisal. Both federal employees and applicants for employment are protected under EEO laws. Our EEO policy strikes an intentionally firm tone and it requires all OSMRE employees (including students, interns, volunteers, as well as contractors who perform services for OSMRE) to avoid any and all acts, conduct, and behaviors that could be deemed discriminatory. Moreover, all leaders, managers, supervisors, employees, and interns are directed to review the following link to the U.S. Equal Employment Opportunity Commission's website (https://www.eeoc.gov/federal/fed_employees/complaint_overview.cfm) and seek to gain a better understanding of all the protections afforded by Title VII of the Civil Rights Act of 1964, as amended, and all other applicable statutes.

The EEO process is designed to perform inquiry and conduct investigation into allegations of discrimination for the purpose of determining whether unlawful discrimination occurred. It's important to note that the burden of proof lies with the complainant; and where findings of unlawful discrimination result, make whole remedies are provided through award of compensatory damages, equitable relief, or both.

OSMRE employees are truly our most precious resources. They are entitled and expected to work in an environment that not only adheres to the laws of the land but also welcomes and embraces the uniqueness of diverse groups from all corners of the world. Accountability starts with all who comprise our Executive Council. EEO is always a top priority for me and the Deputy Director; and as such, it must always be a top priority for all leaders, managers and supervisors in OSMRE.

Accountability is a must and all leaders, managers and supervisors are empowered to recommend and/or direct disciplinary actions that include reprimand, suspension, and/or removal from

Federal service for any person(s) found to have committed discrimination. Moreover, I expect all allegations of discrimination to be brought to the immediate attention of our Office for Equal Opportunity (OEO). We have a team of outstanding professionals who stand ready to assist and address your questions and concerns and guide you through the EEO process.

Any person who believes they have been subjected to discrimination and wishes to file an EEO complaint, must contact the OEO and/or an EEO Counselor and present the claim(s) within 45-calendar days of becoming aware of the alleged discriminatory action; or if the matter concerns a personnel action, within 45-calendar days from the effective date of the action. Failure to meet the aforementioned timeline could result in the dismissal of your complaint. The OEO Complaints Manager will ensure that the EEO process is initiated within three (3) business days of an aggrieved person contacting the OEO and presenting a cognizable claim(s) of discrimination.

All informal complaints will be addressed promptly, thoroughly, and impartially via traditional EEO counseling or Alternative Dispute Resolution (ADR). Generally, the complaint must be counseled and completed within 30-calendar days unless the aggrieved elects to participate in ADR and, if so, the process may be extended up to 90-calendar days. Managers and employees are highly encouraged to use ADR whenever possible as a means of openly discussing workplace disputes and possibly resolving complaints at the lowest levels.

If the complaint is not settled during the informal phase, a notice of right to file will be issued, and the aggrieved, upon receipt of the notice, will have **15-calendar days** to file formally. All formal complaints that are accepted for investigation will be investigated by EEO Investigators who are neutral and external to the OSMRE. Investigations are quite extensive and are expected to be completed within 180-calendar days from the date the complaint was filed unless the complainant agrees to an extension; in the event of a mixed-case complaint, the investigation must be completed within 120-calendar days of filing.

It is also important to highlight that the EEO process allows for limited confidentiality. During the informal phase, an employee may elect to remain anonymous. However, should the complaint proceed to the formal phase, confidentiality cannot be maintained. EEO Officials will take the necessary steps to keep complaints of discrimination confidential to the greatest extent possible but there are times when information will be shared with agency officials who have an official need-to-know.

Any employee who files and/or is named in an EEO complaint must be responsive to designated EEO Counselors and Investigators and must comply with all requests for cooperation put forth by the OEO. Leaders, managers and supervisors named and accused of allegedly discriminating against an employee must respond to official inquiries without delay and must demonstrate full cooperation throughout the entirety of the EEO counseling, investigation, hearing, and/or litigation process.

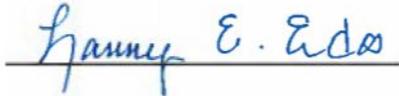
Reprisal for participating in the EEO process or for otherwise opposing discrimination is a violation of law and is strictly prohibited. If retaliation is found, the OSMRE leadership will ensure that the appropriate corrective and disciplinary action is taken.

OSMRE places a high importance on EEO as well as diversity and inclusion training which includes but is not limited to Prevention of Sexual Harassment, Reasonable Accommodation, Civil Treatment, and Bystander Intervention. These training sessions are regularly offered by the OEO via face-to-face or webinar and all OSMRE employees should take full advantage of the numerous opportunities to participate.

EEO is an integral component of sound leadership principles and is essential to mission accomplishment. As I continue to survey our OSMRE workforce, it pleases me to share that I work alongside some of the most dedicated and committed professionals in the federal government and beyond and we will continue to work together to prevent and eradicate discrimination.

Questions regarding this policy should be directed to Alexie L. Rogers, OSMRE Director of Civil Rights via email at arogers@osmre.gov or (202) 208-2993. Persons seeking additional information regarding the EEO complaint process should contact David Williams, Complaints Manager at dwilliams@osmre.gov or (202) 208-2718.

Signed:

A handwritten signature in blue ink that reads "Lanny E. Erdos". The signature is written in a cursive style and is positioned above a horizontal line.

Lanny E. Erdos
Acting Director