



Not the Only Game in Town

As a workplace, the State Department is highly rated for employee satisfaction and career development, even compared with private industry and nonprofit organizations. The staff of the Office of Civil Rights knows full well, however, that workplace problems and career hassles still happen. Our job is to assist in resolving conflicts, provide advice and investigate and sometimes adjudicate complaints made under equal employment opportunity laws.

But we are not the only game in town.

For efficiency and best results, it is important to work through problems in precisely the best forum. For instance, not all problems are equal employment opportunity complaints. In fact, S/OCR has found that well over 90 percent of the situations brought to it are not violations of civil rights; they often relate to concerns for which there are other avenues available that employees should be aware of and use. Employees can also bring concerns to the attention of the grievance staff of the Bureau of Human Resources, unions, Employee Consultation Services, the Office of the Inspector General or the Civil Service Ombudsman.

It is important to find the right venue because, for example, if an employee has filed a formal grievance with the HR grievance staff, then he or she may not file a formal EEO complaint on the same issue. There are three separate procedures for filing a grievance with

HR: one for Foreign Service employees, one for Civil Service employees who are part of a bargaining unit and one for Civil Service employees who are not represented by an exclusive bargaining representative. Employees may file grievances about performance appraisals or other evaluations, disciplinary actions, alleged leave abuse actions and other subjects as permitted. To get more information on the grievance process and the procedures for filing a grievance, check out HR's Web site or call the grievance staff at (202) 261-8110 or visit them online at <http://intranet.hr.state.sbu/offices/g/Pages/default.aspx>.

Employees represented by a union may bring claims relating to violation of the collective bargaining agreement or other claimed violations of rule, law or regulation affecting employment conditions. These processes are open only to employees who are represented by an exclusive bargaining representative. For more information, contact your local union representative or see Department Notice 2009_08_109 dated Aug. 24, 2009, titled "Employee Right to Labor Organization Representation," http://mmsweb.a.state.gov/asp/notices/dn_temp.asp?Notice_ID=11784.

ECS is an employee assistance program with an experienced professional staff of social workers offering such services as short-term confidential counseling and referral assistance; consultation and support to families with children having special needs; administrative review and assistance with compassionate curtailments, breaks and extensions of service; and consultations with leaders and supervisors for employees with performance-related issues. ECS can be reached at (202) 663-1815 and is on the Web at http://med.state.gov/mentalhealth_ecs.htm.

The Department of State's Ombudsman provides a designated neutral place outside of the normal management channels to help staff address workplace-related issues in a safe and confidential environment. While the Ombudsman does not make decisions or mandate actions, the Ombudsman may make recommendations, review materials and speak with anyone in the Department to facilitate a solution.

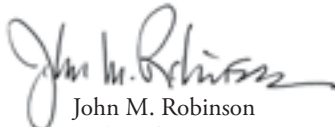
For complaints involving waste, fraud and abuse, mismanagement or misconduct affecting Department programs and operations, employees should contact the Office of the Inspector General. Its hotline is on the Web at <http://oig.state.gov>.

Outside the Department, there are other entities that cover myriad personnel-related issues. One is the Office of the Special Counsel, an independent investigative and prosecutorial agency

that processes complaints concerning prohibited personnel practices as set forth in 2302(b) of Title 5 of the United States Code, including reprisals for whistle-blowing. It also promotes compliance with the Hatch Act. Another entity is the Merit Systems Protection Board, an independent, quasi-judicial agency with jurisdiction outlined in part 1201 of Title 5 of the Code of Federal Regulations, including over cases brought by the OSC and appeals by individuals challenging various agency actions. There are specific rules and procedures associated with OSC and MSPB. To find out more about either, check out their Web sites, <http://mspb.gov> or www.osc.gov.

The Department of Labor handles two special areas that may assist employees. One is the Veteran's Employment and Training Service, which processes complaints for individuals who feel that their veteran's preference has not been applied correctly. Complaints to this office may be made only by veterans and need to be made within 60 days of the alleged violation of preference rights. Within DOL, the Workers' Compensation Office handles all appeals of workers' compensation claims.

These offices are some of the great resources within and outside the Department that may assist individuals who may have non-EEO issues or workplace conflicts. S/OCR is open to employees who believe they have been discriminated against based on EEO-protected matters, and it will also direct you to other entities that can be helpful. We will do our best, but remember, we are not the only game in town. ■


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