

EEO: Office Staff

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NOTE: You should contact EEO staff by telephone or in person to raise an allegation of unlawful discrimination. If you contact staff by e-mail, please follow up with a phone call or a visit to ensure we received your message.

The Role of an EEO Counselor

An Equal Employment Opportunity (EEO) Counselor's principal job is to try and help the parties to an EEO complaint resolve their dispute during the [informal complaint process](#). The parties to an EEO complaint are: 1) the person alleging discrimination (aggrieved); 2) the person accused of discrimination (respondent – sometimes called the responding management official or RMO if the respondent is a supervisor/manager); and 3) in the context of trying to resolve a complaint, a management official with settlement authority (who might *not* be the respondent). If efforts to resolve the complaint are successful and the parties agree to terms, they will sign a *Resolution Agreement*, which closes the EEO case. If the aggrieved elects [alternative dispute resolution](#) rather than EEO counseling as the means of attempting resolution, the Counselor will not be involved in the resolution process, but in either case, the role of the EEO Counselor is crucial and lays the foundation for the entire complaint process. In addition to conflict resolution, the EEO Counselor has the following responsibilities:

- Advise parties to the dispute of their rights and responsibilities.
- Conduct a limited fact-finding inquiry in order to 1) determine jurisdiction, 2) document allegations and determine the basis and issue of any potential formal complaint, 3) provide the respondent with an opportunity to respond to the allegations, 4) establish a timeline of events, and 5) document the remedies requested by the aggrieved. To those ends, the Counselor will interview the aggrieved as well as the respondent, and may interview witnesses with direct knowledge of matters that are material and relevant to the case if appropriate. Information is material if it is related to one or more claim(s) in the case. Information is relevant if it tends to prove/disprove matters material to the case. In addition, the Counselor may review and/or collect certain documents that are material and relevant to the case. Information obtained during the limited inquiry can also be useful in facilitating the resolution process.
- Issue a *Notice of Final Interview* (NOFI) to the aggrieved if the complaint is not resolved. The NOFI advises the aggrieved of his/her right to file a formal complaint of discrimination. If the aggrieved files a formal complaint, the [formal complaint process](#) begins.
- Submit a written *Report of Counseling* if a formal complaint is filed. This report does not comment on the merits of the allegations. It serves as a record of counseling activities, statements of those interviewed, documents reviewed and Departmental forms related to the informal complaint process. The EEO Office forwards a copy of the report to the complainant (formerly aggrieved) as well as to his/her representative, if any.

Note that Counselors *can* provide information about the complaint process; they *cannot* provide legal advice.

The Department requires completion of 32 hours of specialized training to be certified as an EEO Counselor and a minimum of 8 hours of refresher training annually to maintain certification.

The Counselor as a Neutral Party

Throughout the informal process, the Counselor must maintain strict neutrality, and does not act as an advocate for any party to the dispute. If a party to a dispute believes the Counselor may have a conflict of interest in the case, he/she should advise the EEO Manager of those concerns. The EEO Manager will consider all available information and decide whether to leave the Counselor in place or have another Counselor step in. In general, a conflict of interest would exist in a situation where the Counselor is a close friend of or works closely with a party to the dispute,

For more information please contact:

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You may also contact DOI/OCR at 202-208-5693 or TDD 202-208-5998; or BOR/CRO at 303-445-3680.