

THE EEO PROCESS



There are quite a few misconceptions about the government's equal employment opportunity process and the employees who file complaints. Frivolous is the word that is commonly used when describing EEO complaints. Those who file complaints are typically referred to as poor performers and complainers by their co-workers and their supervisors. Discrimination complaints are on the rise across the country, and the resources to process these complaints are coming under fire. The EEO is governed by the Equal Employment Opportunity Commission, the EEOC, which has announced staff furloughs because of impending budget cuts. As the economy continues to struggle, resources at the EEO continue to decrease while the demand for the EEOC continues to increase. In less than two percent of EEO complaints, discrimination comes up in those complaints. Data released by the EEOC shows that discrimination has been found in 3.3 percent of complaints filed across the government. This data is based on the written record or the record taken at a hearing that occurs in front of an EEOC administrative judge. Even though 3.3 percent does not seem like much, the number has increased over the past five years from 2.5 percent of adjudicated cases. Agencies such as the Agriculture, Energy, and Interior Departments experienced discrimination rates double the government-wide average in 2010. Other agencies such as the Office of Personnel Management, the Housing and Urban Development Department, and the EEOC saw no discrimination cases. One of the more common claims to occur when complaints are filed is that of harassment. The reason for increased complaints is that more employees are being harassed while on the job. Hostile work environment is another way to refer to harassment. Some examples of harassment include racial slurs, ethnic jokes, engaging in negative stereotyping of an employee based on gender or age and many other methods. Harassment can occur from co-worker to co-worker, from co-worker to superior, and from superior to employee. For legal action to occur, the act of harassment must be severe or pervasive. According to federal law, harassment does not include an employee's dissatisfaction with a superior's work-related decisions or actions. Under federal regulation, agencies are required to investigate and process complaints filed against those agencies quickly. The majority of complainants involved in the claims also have a right to a hearing before an EEOC administrative judge regarding their case. There are employees in these agencies that do not cooperate with the EEO process in some instances. As an investigation is taking place, some employees will refuse to provide affidavits to the investigating committee. Other employees ignore EEOC administrative judges' orders to provide information and attend status conferences, which are required for an investigation. Claims involving people who are not cooperating with the investigation should have their complaints removed after being given notice by the EEOC in a proper time frame.