

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

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FOR FURTHER INFORMATION Office of Equal Employment Opportunity		DATE

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter provides guidance on the procedures that BIA and BIE employees should use to file a complaint of discrimination if they believe they have been subjected to discrimination based on race, color, religion, sex (including sexual harassment), national origin, age (40 or over), physical or mental disability, and/or reprisal because of one's involvement in prior EEO activity.

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Assistant Secretary - Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 8 IAM 3 (new)

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- 1.1 Purpose.** This Directive provides guidance on the procedures BIA and BIE employees use to file a complaint of discrimination.
- 1.2 Scope.** This policy applies to all Indian Affairs employees under the authority of the Director, Bureau of Indian Affairs (BIA) and the Director, Bureau of Indian Education (BIE). Employees of the Assistant Secretary Indian Affairs (AS IA) should seek assistance with the Department of the Interior, Office of Civil Rights (OCR).
- 1.3 Policy.** BIA and BIE employees, former employees, and applicants for employment with BIA or BIE may contact the BIA Office of Equal Employment Opportunity and Civil Rights Programs (EEOCP) if they believe they have been subjected to discrimination based on race, color, religion, sex (including sexual harassment), national origin, age (40 or over), physical or mental disability, and/or reprisal because of one's involvement in prior Equal Employment Opportunity (EEO) activity.

BIA and BIE employees, former employees, and applicants for employment shall seek EEO counseling and direct all inquiries regarding the EEO process to the BIA EEOCP office at 2051 Mercator Drive, Reston, VA 20191 or by phone at (703) 390-6401. Those seeking EEO counseling must contact an EEO Counselor within 45 days of the alleged discriminatory act. The EEO staff will carefully consider and fairly and expeditiously resolve allegations of discrimination. In the short term, the EEOCP staff will be assisted by contractors to ensure timely processing of EEO complaints.

1.4 Authority.

- A. Equal Pay Act of 1963, 29 USC 206(d)**
- B. Title VII of the Civil Rights Act of 1964, as amended**
- C. The Age Discrimination in Employment Act of 1967, (ADEA)**
- D. The Rehabilitation Act of 1973, as amended**
- E. The Pregnancy Discrimination Act of 1978**
- F. The Americans with Disabilities Act of 1990**
- G. The Americans with Disabilities Amendment Act of 2008 (ADAAA)**
- H. The Civil Rights Act of 1991**
- I. The Administrative Dispute Resolution Act of 1996, as amended**
- J. The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (NO FEAR Act)**
- K. 29 CFR Part 1614, Federal Sector Equal Employment Opportunity, as amended**
- L. Equal Employment Opportunity Management Directive EEO MD-110**
- M. The Genetic Information Nondiscrimination Act (GINA)**

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1.5 Responsibilities.

A. **Assistant Secretary - Indian Affairs** is responsible for policy direction and executive guidance ensuring the statutory requirements of EEO laws and regulations.

B. **Director, BIA and Director, BIE** are responsible for ensuring the principles of Equal Employment Opportunity are included in all operations. The BIA and BIE Director will demonstrate a commitment to EEO by ensuring the culture of the Bureau is aligned with and supportive of EEO laws and principles. Ensuring compliance with all relevant legislation related to EEO and ensuring information relating to relevant legislation is communicated to all employees. Additionally, ensuring the Bureau and its managers promote a professional and equitable work environment where employees pursue careers free of discrimination.

C. **Director, Office of Equal Employment Opportunity and Civil Rights Programs** is responsible for implementing an EEO Program and providing information and guidance to BIA and BIE supervisors, managers and employees. The Director for the Office of EEOCP promotes equal employment opportunity and provides leadership in carrying out a program designed to promote EEO in every aspect of the Bureau's policies and practices.

D. **Director, Office of Civil Rights, Department of the Interior** provides oversight and coordination of all equal employment opportunity programs within the Department of the Interior. The Office of Civil Rights (OCR) is responsible for developing and enforcing civil rights and equal opportunity programs pursuant to existing laws, Executive Orders and regulations and to ensure equal opportunity for all Departmental employees and Federally assisted programs by the Department. Employees may file formal complaints of discrimination with the OCR as well as with their Bureau.