

3 FAM 1500 EQUAL EMPLOYMENT OPPORTUNITY

3 FAM 1510 EEO—GENERAL

*(CT:PER-560; 07-15-2005)
(Office of Origin: OCR)*

3 FAM 1511 POLICY

3 FAM 1511.1 State

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. The Department of State provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation. The Department of State also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs.*
- b. The EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity based on marital status or political affiliation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, remedies for prohibited personnel practices, and/or courts for relief.*

3 FAM 1511.2 Agency for International Development

(CT:PER-560; 07-15-2005)

(USAID)

(Foreign Service Employees)

- a. It is the policy of the Agency for International Development to provide equal opportunity in employment for all **people**; to prohibit discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation; and to promote*

the full realization of a diverse workforce and equal employment opportunity through a continuing *diversity enhancement program* in the Agency.

- b. For more detailed information regarding EEO for the Agency for International Development, see USAID *ADS 1100, Equal Employment Opportunity*.

3 FAM 1512 AUTHORITY

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. *Title VII of the Civil Rights Act of 1964, as amended (Title VII) (42 U.S.C. 2000e et seq.).*
- b. *The Age Discrimination in Employment Act, as amended (ADEA) (29 U.S.C. 206(d)).*
- c. *The Rehabilitation Act of 1973, as amended (Rehabilitation Act) (29 U.S.C. 791 et seq.).*
- d. *The Equal Pay Act of 1963, as amended (29 U.S.C. 206(d)).*
- e. *The Foreign Service Act of 1980, as amended (22 U.S.C. 3901(b)(1)).*
- f. *Equal Employment Opportunity Commission (EEOC) regulations contained in 29 CFR Part 1614.*

3 FAM 1513 APPLICABILITY

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

The regulations in 3 FAM 1500 and 3 FAH-1 H-1500 apply to all U.S. citizen Foreign Service and Civil Service employees and employment applicants of the Department of State. Various provisions also apply to non-U.S. citizens located outside the territorial boundaries of the United States and are specifically so identified.

3 FAM 1514 RESPONSIBILITIES

3 FAM 1514.1 In the United States

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. **Secretary of State:** The Secretary of State is responsible for exercising personal leadership in establishing, maintaining, and carrying out a continuing affirmative action program designed to promote equal opportunity in every aspect of the Department's personnel policies and practices (see 29 CFR 1614.102).
- b. **Assistant Secretary for Civil Rights (S/OCR):**
 1. The *Assistant Secretary for Civil Rights (A/S)* is the principal adviser to management, including the Secretary, Deputy Secretary, and the Under Secretary for Management, on all EEO-related matters and carries out *implementation and enforcement of EEO programs. As provided in 29 CFR 1614.102(b)(3), the A/S should designate:*
 - (a) *EEO officers and Special Emphasis Program Managers;*
 - (b) *A Federal Women's Program Manager (FWPM);*
 - (c) *A Hispanic Employment Program Manager (HEPM); and*
 - (d) *A People with Disabilities Program Manager (PWDPM).*
 2. The *A/S*, or appropriate designee, shall designate Federal Women's Program coordinators (FWPCs), as necessary, to assist in the effective implementation of the Department's *Federal Women's Program.*
 3. The *A/S*, or appropriate designee, shall publicize to all employees the names and locations of such officers, managers and coordinators, as appropriate.
 4. As provided in 29 CFR 1614.102(b)(5) & (6), the *A/S*, or designee, shall designate Equal Employment Opportunity counselors to assist in carrying out the Equal Employment Opportunity Program, and shall publicize to all employees the names and locations of the counselors.
- c. **Equal Employment Opportunity Counselors:** *A counselor shall only conduct counseling activities following completion of the obligatory 32-hour training program and certification as an EEO Counselor. Such counselors are required to complete 8 hours of refresher counselor training annually, either conducted by the EEOC or S/OCR, to maintain certification. Counselors shall provide counseling to any U.S. citizen employee or applicant who believes that he/she has been discriminated against because of race, color, national origin, sex, religion, age, disability, sexual orientation, reprisal for prior EEO activity, or for opposition to illegal discrimination, irrespective of the aggrieved individual's employer or the employer of the individual alleged to have*

engaged in discriminatory activity. In most circumstances, the counselor shall attempt to resolve informally the matter raised by the employee or applicant before a discrimination complaint may be filed. (See 3 FAH-1 H-1510, 3 FAM 1510, 3 FAH-1 H-1520 and 29 CFR 1614.105.)

3 FAM 1514.2 At Posts Abroad

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. The Chief of Mission shall nominate one or more Equal Employment Opportunity (EEO) counselors, with a goal of ensuring one certified counselor for posts with less than 50 employees (all agencies, both direct hire and locally engaged staff (LES), American and foreign national). At posts of more than 50 employees, it is strongly encouraged that the Chief of Mission nominates more than one counselor. Following approval of the nomination(s) by the A/S and completion of any mandatory training prerequisites for the EEO Counselor(s), the Chief of Mission shall publicize at post the name(s) of the EEO counselor(s) with information on how to contact such individual(s).*
- b. The Chief of Mission shall designate a Federal Women's Program Coordinator (FWPC). The Chief of Mission should publicize the name(s) of the FWPC with information on how to contact such individual.*
- c. The responsibilities of these EEO counselors and FWPCs shall be determined and specified by the A/S and, with respect to EEO Counselors, shall include responsibilities for receiving and attempting to resolve, on an informal basis, any matter of alleged discrimination.*
- d. All posts are encouraged to identify at least one non-American LES liaison for EEO issues.*

3 FAM 1515 PROCEDURES

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

- a. Procedures on the filing and processing of complaints of discrimination under the authorities contained in this chapter (other than for complaints related to sexual orientation) are published in 3 FAH-1 H-1510.*
- b. Procedures on the filing and processing of complaints alleging sexual orientation discrimination are published in 3 FAH-1 H-1520.*
- c. In addition to these procedures, employees are also entitled to use the procedures enumerated in 3 FAM 1525.2-2, paragraph d, Employee's*

Rights and Responsibilities. See also 3 FAM 1590 and 3 FAM 4400 regarding grievance procedures.

3 FAM 1516 MINORITY GROUP STATISTICS

3 FAM 1516.1 Authority

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

a. The Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-16); and

b. Regulations contained in 29 CFR 1614, Subpart F.

3 FAM 1516.2 Applicability

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

This section applies to all employees of the Department of State and includes all employees in the United States and abroad except foreign national employees outside the territorial boundaries of the United States.

3 FAM 1516.3 Collection System

(CT:PER-560; 07-15-2005)

(State)

(Foreign Service and Civil Service Employees)

In accordance with the provisions and standards set forth in 29 CFR 1614.601, the Department of State shall notify employees of the form and such times as such data will be required.

3 FAM 1517 THROUGH 1519 UNASSIGNED