

# MARINE CORPS INSTALLATION PACIFIC MCB HAWAII

## Equal Employment Opportunity Program



### EEO Specialist

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If you or someone you know has been a victim of discrimination or sexual harassment, please contact the EEO Office to speak with a counselor.

## Reasonable Accommodation

### What is RA?

The Rehabilitation Act of 1973, which was modified by the Americans with Disabilities Act of 1990, requires federal agencies to accommodate applicants and employees who are qualified individuals with disabilities, unless to do so would impose an undue hardship on the operation of its programs or pose a direct threat to the safety of the employee or others.

The goal of reasonable accommodation is to enable qualified individuals with disabilities to perform the essential functions of their position and to enjoy equal employment opportunities.

### Who can submit a request for RA?

- An employee or an applicant for employment.
- A family member, friend, health professional or other representative on behalf of an individual with a disability.
- The request can be made verbally, but the request must be documented, in writing, signed, and dated

### References:

- Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C 791
- EEOC Management Directive 715 (MD-715)

For more information about Reasonable Accommodation please visit:

<http://www.eeoc.gov/policy/docs/accommodation.html>

## Alternative Dispute Resolution (ADR)

### What is ADR?

Any procedure which is used in lieu of a formal process or litigation to resolve conflicts and issues in controversy.

ADR services are available for civilian employees to resolve workplace disputes at the earliest stages of concerns, informal/formal EEO complaints, Administrative Grievances, ULPs, appropriate workplace cases, and disputes. It is a process in which a third party neutral assists the parties in reaching an amicable resolution

### Why use ADR?

- 1) It increases the parties control over the results
- 2) It reduces the cost of resolution
- 3) It works

### Role of a Mediator

- Facilitate communication & negotiation
- Promote self-determination of parties
- Do not act as a Judge or make outcome decisions

### References

- 29 C.F.R 1614.600
- EEOC Management Directive 715 (MD-715)

For more information about ADR please visit:

<http://www.adr.gov>

<http://www.eeoc.gov/federal/adr/index.cfm>

# Get the Facts!

## Equal Employment Opportunity Program

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on **race, color, religion, sex (pregnancy, gender stereotyping), and national origin.**

### Federal Laws that prohibit employment discrimination

**Age:** The Age Discrimination Employment Act of 1967 protects applicants and employees 40 years of age or older from discrimination based on age.

**Disability:** The Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 and Americans with Disabilities Amendment Act of 2008 protect qualified individuals from discrimination on the basis of disability (mental or physical). Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations when the individual has requested the accommodation.

**Genetics:** Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information.

**Reprisal:** All of these Federal Laws prohibit retaliating against a person who files a charge of discrimination, participates in discrimination proceeding or otherwise opposes an unlawful employment practice.

### What about Sexual Harassment?

Sexual Harassment is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting such individual, or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### Who is eligible to file an EEO complaint through the federal EEO process?

All current and former federal employees and applicants, Appropriated and Non-appropriated.

### How long does a person have to file an EEO complaint?

A person has 45 days to make EEO contact from the time they became aware of the discriminatory event.

### What will happen when I see the EEO Counselor?

At your first meeting, you will be asked for information regarding the alleged discriminatory actions. The counselor must advise you in writing of your rights and responsibilities, and will explain the EEO process, including informal and formal resolutions.

### Do EEO Counselors represent me or my management?

**NO, EEO counselors are neutral parties in the EEO Process and provide complaint's processing at the informal stage in an attempt to resolve matters.**

### Where can I go to find more information about Equal Employment Opportunity Laws and Regulations?

<http://www.eeoc.gov>

