



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

GOVERNMENT OF GUÅHAN
(GUBETNAMENTON GUÅHAN)

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)

HUMAN RESOURCES DIVISION
(Dibision Inadilanto Yan Guinaha Para Taotao)
Post Office Box 884 * Hagåtña, Guam 96932
TEL: (671) 475-1123/1201/1265 * FAX: (671) 477-7100



Christine W. Baleto
Director
Vincent P. Arriola
Deputy Director

HRD NO.: 17-232

02 MAR 2017

MEMORANDUM

To: Director, Department of Administration
From: Manager, Human Resources Division
Subject: Creation of Position
RE: EEO Investigator (DOA)

Buenas yan Håfa Adai! This is a formal request to create the position of EEO (Equal Employment Opportunity) Investigator (DOA) within the Human Resources Division. Mr. Robert Taitano, EEO Specialist, is responsible for the administration of the Equal Employment Opportunity and Affirmative Action programs for the entire Executive Branch of government. The Department of Administration currently does not have any positions to assist our EEO Specialist in the execution of his duties related to EEO investigations, assessments, complaints, or anything else related to the programs administered by this office. We are requesting to create this position in an effort to streamline and make more efficient the processes dealing with all aspects of EEO within the Executive Branch. The intent is to create a single position to assist with the administration of all EEO related duties that are under the Department of Administration. Creation of this position is also to avoid a conflict in instances where our EEO Specialist has conduct an investigation and form a review committee as a next step of due process. The review committee would be formed if an employee is not satisfied with the findings of an investigative report and chooses to appeal the outcome. Creating the EEO Investigator position would help avoid any conflict and help properly segregate the duties of the EEO Branch in our division.

The biggest challenge experienced by our division is having the necessary personnel available to conduct investigations or respond to complaints from employees. In the event our office receives a complaint, we have to request for the assistance of employees from other agencies. It typically takes anywhere from three (3) to six (6) months to try and secure personnel to conduct an investigation of a complaint. This delays our response time and prevents our office from meeting our prescribed timeframes for investigations. After securing an investigator, there are typically challenges with scheduling interviews and other aspects of the investigative process while employees perform the day-to-day duties for their departments. It is frequently found that this adds at least another three (3) to six (6) months to the already delayed schedule. Accurate data gathering and report writing are essential to form appropriate conclusions and/or observations to conclude the investigative report. Our office has found that when employees who perform this duty on a temporary basis are not allowed the time needed to focus on the subject matter, and prevents an expeditious response for this phase of the process. It typically results in a prolonged completion date well outside of prescribed timelines. This results with

some investigations being drawn out for over a year. After the investigative report is concluded, there are additional steps allowing employees to appeal any findings, especially if the sought remedy was not achieved. This has a ripple effect throughout the whole process sometimes dragging the timeframe to complete the process to over two (2) years. The lack of a timely executed investigation also delays the process if the employee also appeals to the Civil Service Commission (CSC). The CSC regularly communicates with our office following up on pending investigations so that they can gauge the impact on their mandated timelines to hear and address any complaints or cases. These issues are illustrative of the impact the lack of personnel to conduct investigations has which hinders our division from responding promptly and properly to all complaints filed.

In addition to performing the investigative functions of the program, this position will be responsible for counseling and training employees on the investigative process and giving guidance where appropriate. In some occasions where there is a high demand for EEO training, this position may also conduct training relative to the other aspects of EEO which include the Americans with Disabilities Act (ADA) and/or Sexual Harassment Awareness. This is a vital function of our EEO branch as it ties in directly with the implementation of an Affirmative Action program.

This position will also be responsible for collecting and analyzing employment data to ensure that different aspects of the human resources division (i.e. Recruitment, Records, Compensation, Classification and other employment functions) are compliant with all federal and local EEO, ADA, and other civil rights statutes, rules, regulations, and policies.

Our office conducted a review of other EEO positions in different agencies and the Judiciary Branch of government. The analysis that was conducted was to ensure that no duplicate positions exist in the government. It was found that although EEO Officer positions were found, there were none with the focus of conducting investigations. Our office has found that the other positions were general in nature. In finding that there are no positions specific to EEO investigations, our office can anticipate that autonomous agencies, public corporations, or entities will frequently request the use of the proposed position, if approved. This is based on the numerous requests for assistance that our office receives throughout the year.

I hope that our request to create the EEO Investigator position within the Human Resources Division is granted as it will greatly help us meet our mandates and service our employees more efficiently. Although our branches are all understaffed they still strive to meet all our mandates and service both our internal and external customers as best we can. The creation of this position is vital to helping our division and department be more proactive and responsive to all the EEO related issues that exist within the Executive Branch. As the central office for all EEO related matters, it is critical that our division be up-to-date and as responsive as we can for all matters relative to discrimination, sexual harassment, and the ADA. I believe that the creation of this position will help us to make forward strides to increasing awareness and enforcing all such laws, rules, and regulations; both local and federal. I would like to thank you for your time and attention, and look forward to your favorable consideration to this request. *Dangkolo na Agradesimiento!*


SHANE G.L. NGATA



Eddie Baza Calvo
Governor
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Christine W. Baleto
Director
Vincent P. Arriola
Deputy Director

17 FEB 2017

MEMORANDUM

To: Personnel Services Administrator
Human Resources Division

From: Equal Employment Opportunity Specialist
Human Resources Division

Subject: Creation of Position
RE: Equal Employment Opportunity Investigator

Public Law 28-68 transferred the duties regarding personnel policy from the Civil Service Commission to the Department of Administration. The law mandated the Director of Administration to administer the Equal Employment Opportunity (EEO) Program for the Executive Branch of the government of Guam.

I am the Equal Employment Opportunity Specialist with the Division of Human Resources tasked to carry out the objectives of the Equal Employment Opportunity Program. In the past year and a half, I have trained 67 new EEO counselors/investigators in the different departments and agencies to include Public Corporations and Autonomous Agencies increasing their ability to handle EEO complaints at the initial level. I have also trained 495 employees in sexual harassment awareness which educates them in recognizing situations of unlawful conduct in the workplace.

When EEO complaints are appealed to our office, I must find a trained EEO official in other departments to complete the investigation within 15 work days according to the Personnel Rules and Regulations. It is very difficult for me to get an employee from another agency to perform investigative duties as this task is done as a collateral duty. It takes months and sometimes over a year to complete the investigation as these EEO officials must manage it with their current work load. Several times, the Civil Service Commission will follow up with our regarding the status of these cases.

Therefore, I am humbly requesting your assistance to create an Equal Employment Opportunity Investigator position to help facilitate the Investigative process and provide timely EEO services to our Executive Branch employees.

Should you have any questions or require additional information, please contact me at 475-1138. *Si Yu'os Ma'ase.*

ROBERT D. TAITANO

EEO INVESTIGATOR (DOA)

NATURE OF WORK

This single position class is characterized by the responsibility for assisting with the implementation of Equal Employment Opportunity (EEO) and affirmative action policies and procedures of the Department of Administration under the Executive Branch.

Under general direction, independently performs professional duties in the coordination and administration of the Department of Administration's Equal Employment Opportunity Programs in receiving, processing, and investigating equal employment opportunity and affirmative action issues related to discrimination based on race, gender, age, etc., sexual harassment claims. Consults with and provides assistance to department/agency heads, managers, and the public regarding EEO programs.

ILLUSTRATIVE EXAMPLE OF DUTIES AND RESPONSIBILITIES

Receives, processes and performs investigations into complaints of discrimination or harassment.

Interacts with employees, union representative, legal representatives, and external departments/agencies, as needed, during the investigative process.

Conducts investigations of routine to moderate complexity through follow-up interviews with complainants(s); arranging and completing interview with witnesses, supervisors, managers as appropriate.

Prepares detailed and comprehensive post-investigative reports and maintains records; assures confidentiality of witnesses and participants, as appropriate.

Provide testimony or expert witness in review committee meetings or other venues as required.

Assist in the development of training modules and orientation programs relevant to EEO Programs.

Conducts a variety of training and information presentations keeping government employees informed of current EEO programs.

Researches relevant policies, rules and laws (Federal and local) applicable to cases under investigation.

Conducts statistical analyses of government labor force for EEO/Affirmative Action Programs, local and federal EEO reports.

Updates and disseminates department/agency equal employment opportunity policies and procedures to ensure compliance with federal and local laws, statutes, regulations and Executive Orders;

Develops and implements affirmative action plans; conducts or oversees investigations and resolution of discrimination and unfair treatment claims;

Prepares materials and conducts training to heighten knowledge of equal employment opportunity laws and affirmative action goals.

EEO INVESTIGATOR (DOA)

KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of Federal and Local laws, regulations and ordinances related to Equal Employment Opportunity (EEO)/Affirmative Action Programs; and major court decisions directly impacting civil rights, EEO, affirmative action and contract compliance issues.

Knowledge of policies and practices involved in human resources functions, recruitment, selection, training, labor relations and negotiation strategies and human resources information systems.

Knowledge of interviewing and counseling techniques.

Knowledge of methods and techniques uses in conducting research and analyzing data.

Knowledge of office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, databases, and other applications related human resource programs.

Ability to communicate effectively verbally and in writing; establish and maintain effective working relationships with employees and the public; apply general principles effectively to specific conditions.

Ability to maintain composure and communicate effectively under stress; ability to perform effectively under competing and/or conflicting demands on time and self in a busy environment; skill and tact in dealing with others.

MINIMUM EXPERIENCE AND TRAINING REQUIREMENTS

- a) One (1) year of specialized experience involved in affirmation action or equal employment opportunity programs and graduation from recognized college or university with a Bachelor's degree in Human Resources, Public or Business Administration, Criminal Justice or a related field; *or*
- b) Three (3) years of specialized experience in affirmative action or equal employment opportunity programs and graduation from recognized college or university with a Associate's degree in Human Resources, Public or Business Administration, Criminal Justice or a related field.
- c) Any equivalent combination of experience and education which provides the minimum knowledge, abilities and skills.

DEPARTMENT OF ADMINISTRATION

POSITION DESCRIPTION QUESTIONNAIRE INSTRUCTIONS

WHO SHOULD COMPLETE THE QUESTIONNAIRE?

- (1) The employee occupying the position (jobholder) completes the first six (I-VI) sections of the questionnaire.
- (2) The employee completes Section VII if he/she chooses to do so. If the employee decides not to complete Section VII, mark the box provided. The direct supervisor will then complete Section VII for the employee.
- (3) The direct supervisor completes Section VIII. It is to add or clarify any of the information provided by the employee/jobholder or to provide different information.
- (4) The direct supervisor completes the questionnaire for vacant positions.
- (5) Section IX is completed by the Human Resources Office.

I. JOB IDENTIFICATION:

Position Title: Show the official (payroll) title only.

Official Position No.: Show the official number provided in the staffing pattern for the job. Although the employee/jobholder may change from time to time, the position number does not change. It is a position management tool.

Job Location: Show the exact location of the position within the organization.

Direct Supervisor: Show the official position title and name of supervisor or manager to whom the jobholder must report.

II. JOB DESCRIPTION:

ESSENTIAL FUNCTIONS: These are the required job duties of the position that a qualified person must perform. Under the Americans with Disability Act, the duties are performed either with or without a "reasonable accommodation." Without one of the essential functions, the need for the job is changed.

The description of functions performed must be short, clear and correct. It should tell what is done and its purpose or why. It should not tell how it is done. The duties are specific. Do not use unclear, general statements. Do not use additional papers.

Organize and list the job functions in one of the formats selected below. Mark the format selected. The format selected is only for the purpose of organizing the description of the job. It will not determine the job's classification and pay.

- (1) Daily work assignments – proper for job functions that are repetitive and have specific work operations and procedures. List the functions beginning with the first daily work assignment and ending with the last work assignment.
- (2) Percentage of time – proper for jobs that have varied functions and responsibilities. List the functions by percentage of time spent, beginning with the highest percentage. The total % should equal 100%.
- (3) Order of importance – proper for job functions that provide levels of importance. List the functions beginning with the most important function and ending with the least important. All functions are performed, however.

NONESSENTIAL FUNCTIONS: Nonessential functions are tasks that are minor, or not required to the completion of the essential functions. In addition, nonessential functions are those that could be performed by other workers. The phrase, "performs related duties as assigned" is normally listed here.

III. MINIMUM QUALIFICATION REQUIREMENTS:

These are the minimum requirements needed to qualify for the job. They are necessary for satisfactory performance of the job's essential functions. It is not to show the employee's (jobholder's) qualifications. They are used further in the job analysis necessary for the creation of position classification standards.

Experience – Show the type and length (months or years) of experience needed by a qualified applicant to perform the essential functions of the job.

Education – Show the formal schooling or training required for a qualified applicant to perform the essential functions of the job.

III. CONTACTS: Departments, agencies and individuals you deal with during the course of your daily activities.

A. Within your department / agency. Mark (X or √) one box:			
<input type="checkbox"/> None	<input type="checkbox"/> Up to 15% of total working hours	<input checked="" type="checkbox"/> 15 – 50% of total working hours	<input type="checkbox"/> Over 50%
B. Outside your department / agency. Mark (X or √)			
<input type="checkbox"/> None	<input type="checkbox"/> Up to 15% of total working hours	<input type="checkbox"/> 15 – 50% of total working hours	<input checked="" type="checkbox"/> Over 50%

IV. SUPERVISION RECEIVED: How closely is the employee's/jobholder's work reviewed by the direct supervisor?
Mark (X or √) one correct response.

<input type="checkbox"/> Detailed and specific instructions / procedures received or followed for each assignment.
<input checked="" type="checkbox"/> General Supervision – Routine duties are performed with minimal supervision. Standard practices or procedures allow employee to function alone at routine work. Supervisor makes occasional check of work while in progress. Work is reviewed upon completion.
<input type="checkbox"/> Direction – Receives guidance about general objectives in most of the tasks and projects assigned; determines methods, work sequence, scheduling and how to achieve objectives of assignments; operates within policy guidelines. (Generally applicable to skilled professionals, supervisors and managers.)
<input type="checkbox"/> General Direction – Receives very general guidance about overall objectives; work is usually quite independent of others; operates within division or department policy guidelines, using independent judgment in achieving assigned objectives. (Generally applicable to managers / administrators in large and complex organizations and to department / agency heads and their first assistants.)

V. SUPERVISION EXERCISED: The employee/jobholder supervises other employees. List the number of employees supervised, their position titles, and a brief description of their responsibilities.

Number Supervised	Position Title	Description of Responsibilities

VI. EQUIPMENT: List the equipment (pickup truck, welder, crane, etc.), office machines (word processor, calculator, copying machine, etc.), or any other machines, tools or devices that are used on a regular and continuing basis. Show what percentage of the regular workday is spent using each.

TOOLS / EQUIPMENT	PERCENT (%) OF TIME FOR EACH
Computer	100%
Telephone	100%
Photo Copying Machine	100%
Multi Media Projector	15%

VII. JOB REQUIREMENTS

Mark (√ or X) here if jobholder is unable to complete this section. The direct supervisor will then complete this section for the jobholder.

A. MINIMUM QUALIFICATION REQUIREMENTS: List the minimum experience and training a qualified applicant must have before employment.

1. WORK EXPERIENCE: List the general, specialized and/or supervisory / management work experience needed and how much (in months and/or years). If none, mark (√ or X) "No work experience required."	
<input type="checkbox"/> No work experience is required.	
General:	
<hr/>	
Specialized: One (1) year of specialized experience in affirmative action or equal employment Opportunity programs	
<hr/>	
Supervisor / Management:	
<hr/>	
If no work experience is required, list the knowledge, abilities and skills a qualified applicant needs before employment to perform the essential job functions.	
<hr/>	
<hr/>	

2. FORMAL EDUCATION OR TRAINING: Mark (√ or X) the most applicable education level required.	
a. <input type="checkbox"/> Below High School – Show Number of Years	
b. <input type="checkbox"/> High School Graduation / GED	
c. <input type="checkbox"/> Vocational / Technical School	
Show specific training that is required by this position.	
<hr/>	
<hr/>	
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d. <input type="checkbox"/> Some College	
Show number of <input type="checkbox"/> Semester Hours _____ or <input type="checkbox"/> Quarter Hours _____.	
Show specific courses required by the essential functions of this job.	
<hr/>	
<hr/>	
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<hr/>	

e. College Degree (Show major area of study required.)

[] Associate's : _____

[X] Bachelor's: Human Resources, Public or Business Administration, Criminal Justice or related.

[] Master's: _____

[] Beyond Masters: _____

3. CRITICAL SKILLS / EXPERTISE: List specialized skills or specialization needed to perform essential functions.

4. LICENSE, REGISTRATION OR CERTIFICATION:

List possession of required license, professional registration/certification needed to perform essential functions.

Valid Driver's License

B. MENTAL / VISUAL, PHYSICAL, AND ENVIRONMENTAL JOB REQUIREMENTS:

1. Mark (✓ or X) the most appropriate physical requirement(s) for the job.

- [X] Sitting The job requires the employee to sit in a comfortable position most of the time. The employee can move about.
- [] Sitting Employee is required to sit for extended periods or time without being able to leave the work area.
- [] Sitting/Standing/Walking The employee is required to sit, stand, walk most of the time.
- [] Climbing Employee is required to climb ladders or scaffolding or to climb and work in overhead areas.
- [] Lifting Employee is required to raise or lower objects from one level to another regularly.
- [] Pulling and/or Pushing The job requires exerting force up to _____ pounds on a regular basis to move the object to or away from the employee.
- [] Carrying The employee is required, on a regular basis, to carry objects in his or her arms or on the shoulder(s).
- [] Reaching The employee is regularly required to use the hands and arms to reach for objects.
- [] Stooping and Crouching The employee is regularly required to bend forward by bending at the waist or by bending legs and spine.
- [] Crawling Employee is required to work in a confined space and/or to crawl and move about on his or her hands and knees.
- [X] Speaking The job requires expressing ideas by the spoken word.
- [X] Listening The job requires the perception of speech or the nature of sounds in the air.
- [] Other Describe the requirement.

2. Mark (✓ or X) the most appropriate mental / visual requirement for the job.

- [] General Intelligence (typical requirement for machine operators, office staff, etc.)

- Motor Coordination Skills (typical for automotive mechanic, painter, etc.)
- Coordination of Eyes, Hands, and Feet (typical for tractor trailer driver, fire fighter, line electrician, etc.)
- Verbal Intelligence (typical for counselors, customer service representatives, etc.)
- Numerical Intelligence (typical for an accounting clerk, cargo checker, etc.)
- Other:

3. The job's most appropriate work environment and the weather exposure.

Show what percent of a typical workday is spent.
(Select one response only)

- 100 % Indoors in a comfortable temperature-controlled environment (for instance, in an office).
- % Indoors in a non-temperature-controlled environment (such as an open garage, storerooms and warehouses, etc.)
- % Outdoors exposed to changing weather conditions (for instance, rain, sun, wind, etc.)
- % Outdoors but in an enclosed vehicle protected from extreme weather conditions.

4. Other physical working conditions

Mark (X or √) if none of the following is applicable.

Show what percent of a typical workday this position is exposed to:

- % Air contamination (i.e., dust, fumes, smoke, toxic conditions, disagreeable odors).
- % Vibration (i.e., operating jackhammer, impact wrench).
- % Noise (Exposure at a level enough to cause bearing loss or fatigue).
- % An improperly illuminated or awkward and confining work space.
- % Working above ground level where the chance of falling exists (i.e., on ladders, rooftops, bucket trucks, scaffolding).
- % Lifting or carrying items or objects. Describe item/object and weight:

- % Heat. Describe source and degree of high temperature.

- % Cold. Describe source and degree of cold temperature:

- % Other hazards. Describe:

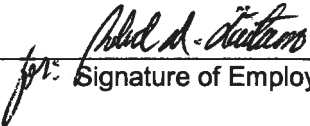
5. Describe the working conditions that are irregular or unusual for the job and show frequency of exposure.

<input checked="" type="checkbox"/> Mark (X or √) if not applicable.	
CONDITION	FREQUENCY OF EXPOSURE

C. Work Schedule/Hours – Mark (√ or X) the most appropriate work schedule/hours for the job.

<input checked="" type="checkbox"/> Regular – Standard Eight (8) hours daily, Monday – Friday
<input type="checkbox"/> Irregular – Shift work – A 24-hour work operation.
<input type="checkbox"/> Regular / Irregular – Overtime hours with overtime pay entitlement State Purpose and Total Hours required per pay period: <hr/> <hr/>
<input type="checkbox"/> Regular / Irregular – Overtime hours without overtime pay entitlement State Purpose and Total Hours required per pay period: <hr/> <hr/>

The information given on this position is complete and correct.



 Signature of Employee

Feb. 17, 2017

 Date

VIII. SUPERVISOR'S REVIEW

IMPORTANT: This Block To Be Filled Out Only By The Direct Supervisor

a.	(1) Has the employee correctly stated his or her official payroll position title? [X] Yes [] No								
	(2) If not, what is the correct title? _____								
b.	(1) Are the employee's statements about the duties of his/her position and the supplementary information complete and accurate? [] Yes [] No								
	(2) If not, what additions, deletions or corrections should be made? (Refer to block and page) _____ _____ _____								
c.	What positions under your supervision perform the same essential functions Give name and title: <table border="0"><thead><tr><th style="text-align: center;">Name</th><th style="text-align: center;">Title</th></tr></thead><tbody><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr></tbody></table>	Name	Title	_____	_____	_____	_____	_____	_____
Name	Title								
_____	_____								
_____	_____								
_____	_____								
d.	Does this position require (mark one) [] Immediate supervision on a regular basis, [] Immediate supervision only for new/complex tasks, or [] Little immediate supervision.								
e.	Does the employee participate in (mark those appropriate) the [] Formulation, [] Interpretation, and/or [] Application of Agency/Department policy. Give examples: _____ _____ _____								
f.	The employee (mark one) [] Performs routine, well-defined tasks, [] Performs moderately complex tasks requiring moderate knowledge of Agency's/Department's work; or [] Performs complex tasks requiring extensive knowledge of Agency's/Department's work.								

I certify to the accuracy of the description of duties, responsibilities and organizational relationships provided herein; further, that the position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes on the use of public funds. The false or misleading statement may constitute violations of such statutes or their implementing regulations.

Michael D. Jenkins
Signature of Immediate Supervisor

Feb. 17, 2017
Date

Signature of Department/Agency Head

Date

IX.

Human Resources Office Review:

Date: _____

Reviewed by: _____
Position Title

Name

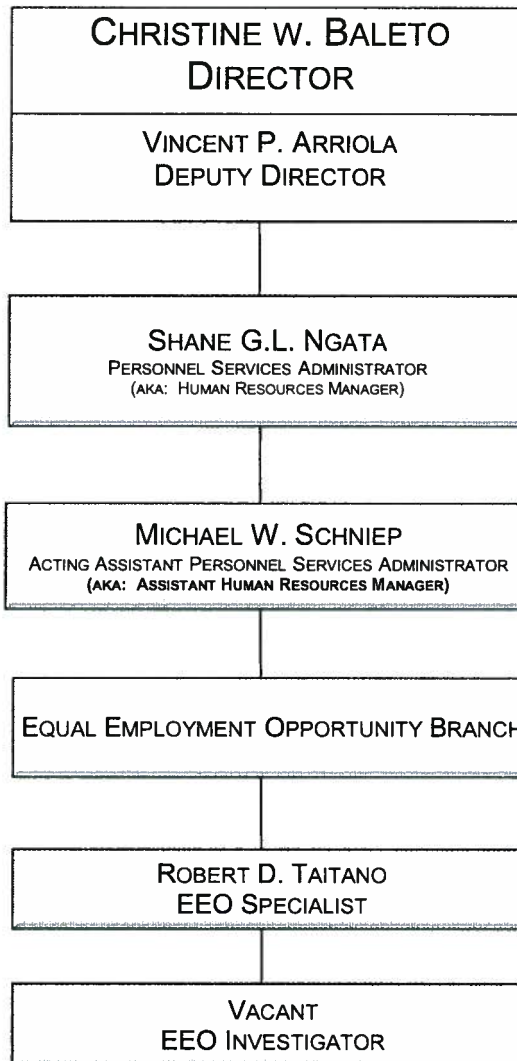
Classification Correct: [] Yes [] No

If not, corrective action taken: (Attach copy of review made)

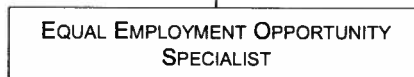
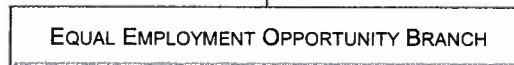
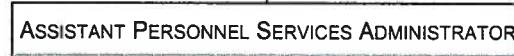
Approved by: _____
Human Resources Manager

Date

**DEPARTMENT OF ADMINISTRATION
HUMAN RESOURCES DIVISION
ORGANIZATIONAL CHART**



DEPARTMENT OF ADMINISTRATION
HUMAN RESOURCES DIVISION
FUNCTIONAL CHART



The Equal Employment Opportunity Branch is responsible for planning, coordinating and administering the Equal Employment Opportunity/Affirmative Action Program of the government of Guam as follows.

- To provide equal employment opportunity for all applicants and employees to compete and be considered for jobs on the basis of merit and ability to perform, and to prohibit discrimination in any aspect, term, condition, or privilege of employment on the basis of race, religion, color, sex, including sexual harassment and orientation, national origin, age, physical or mental disability, marital status, or political affiliation and retaliation.
- To carry out all government programs and activities in compliance with applicable Federal and Territorial laws and in such a manner that no person shall, on the basis of race, religion, color, sex, including sexual harassment and orientation, national origin, age, physical or mental disability, marital status, or political affiliation and retaliation be excluded from participation in, be denied the benefits of, or be subjected to discrimination with respect to any program or activities.



Assists with the implementation of Equal Employment Opportunity (EEO) and affirmative action policies and procedures consisting of:

- Receiving, processing, and investigating EEO and affirmative action issues related to discrimination based on race, gender, age, etc., sexual harassment claims.
- Consults and provides assistance to departments/agency heads, managers, and the public regarding EEO programs.
- Prepares materials and conducts a variety of trainings/information presentations to heighten government employees knowledge of EEO programs.