



## Official Time for Processing EEO Complaints

### Purpose:

The purpose of this Policy Directive is to ensure that employees, representatives and witnesses of official equal employment opportunity (EEO) complaint are entitled to a reasonable amount of official time to prepare their complaints. Includes meetings, hearings, preparation time and other official approved time.

Equal Employment Opportunity Commission's Management Directive 110, Chapter 6, Section VIII.C states:

*Both the complainant and the representative, if they are employees of the agency where the complaint arose and was filed, are entitled to a reasonable amount of official time to present the complaint and to respond to agency requests for information, if otherwise on duty. Witnesses who are federal employees, regardless of whether they are employed by the respondent agency or some other federal agency, shall be in a duty status when their presence is authorized or required by Commission or agency officials in connection with the complaint.*

### **What is considered a "reasonable" amount of time?**

"Reasonable" is defined as whatever is appropriate, under the particular circumstances of the complaint, in order to allow a complete presentation of the relevant information associated with the complaint and to respond to agency requests for information. The actual number of hours to which complainant and his/her representative are entitled will vary, depending on the nature and complexity of the complaint and considering the mission of the agency and the agency's need to have its employees available to perform their normal duties on a regular basis. The complainant and the agency should arrive at a mutual understanding as to the amount of official time to be used prior to the complainant's use of such time. Time spent commuting to and from home should not be included in official time computations because all employees are required to commute to and from their federal employment on their own time.

### **Do I need to request official time for preparing my EEO Complaint?**

Yes. The employee/complainant in the pre-complaint process, or formal complaint process, a witness, and/or a complainant's representative must provide to his/her first-level manager a written request for official time in connection with a complaint of discrimination; preferably within three to five days prior to the individual's need for the official time. (If the timeframe is not met, a written explanation must be provided to the first-level manager indicating why the timeframe was not met.) The EEO Manager should be informed of the request or denial of official time.

### **Who approves the official time request if not my first line manager?**

If your first line manager is not available the requestor should contact their next level manager to request official time. Upon receipt of the request, the management official should notify the employee/ complainant, representative, and /or witness within a reasonable amount of time (preferable within two work days of the request) as to whether the official time requested has been approved or denied. This response must be provided in writing. (i.e., either an e-mail or a memorandum). If the request is denied, in whole or in part, the management official must state in his/her written response why the request was denied. All requests and management responses for official time should be retained by the approving/disapproving manager. The OIG EEO Manager should be kept apprised of all actions. Any EEO-related questions that management may have should be forwarded to OIG's EEO Manager. Legal questions or concerns should be directed to the Office of Chief Counsel.

### **Q: Can administrative leave be granted to complainants involved in EEO litigation in court?**

A: No. Managers do not have authority to grant official time in the event an employee files a civil lawsuit in court. In civil actions, employees are required to use their own annual leave, compensatory time, and/or credit hours worked. Sick leave or court leave cannot be used.

However, should the employee prevail in a lawsuit, he or she may seek damages, which may include reimbursement for leave incurred in connection with preparation of the lawsuit.

**Q: What are examples of the need for official time?**

A: Official time may be granted for the following:

- Preparing and presenting a complaint or perfecting an appeal.
- Meetings with EEO representatives in the preparation of a complaint of discrimination.
- Preparing for meetings, conferences, and hearings outside of the above actions.

**NOTE:** Attending meetings and/or hearings with the OIG EEO Manager, Treasury Complaint Mega Center (TCMC) officials, Office of Civil Rights and Diversity (OCRD) officials, and Equal Employment Opportunity Commission (EEOC) officials are required and will be approved.

If you have any questions regarding this policy please contact the EEO Manager, [Ray Campbell](#), 202.927.5023.