



# U.S. Department of the Treasury Office of Inspector General

## **SUBJECT: Use of Official Time for Processing Equal Employment Opportunity Complaints (Policy Directive 001-001)**

1. **PURPOSE.** The purpose of this Policy Directive is to outline the time available during work hours, or official time, for preparing and responding to Equal Employment Opportunity (EEO) complaints.
2. **EFFECTIVE DATE.** October 2014
3. **SCOPE.** This policy applies to all Office of Inspector General (OIG) employees.
4. **POLICY.** In accordance with 29 CFR 1614.605 and Equal Employment Opportunity Commission (EEOC) Management Directive 110, the OIG shall provide an EEO complainant and his or her representative, if he or she is an OIG employee, with a reasonable amount of time during work hours, or official time, to present a complaint and to respond to agency requests for information.
5. **DEFINITIONS.**
  - a. **Reasonable Amount of Official 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 or her representative are entitled will vary, depending on (a) the nature and complexity of the complaint and (b) the mission of the OIG and the OIG's need to have its employees available to perform their normal duties on a regular basis. "Reasonable" with respect to preparation time (as opposed to time actually spent in meetings and hearings), is generally defined in terms of hours, not in terms of days, weeks or months and supervisors must ensure that employees spend most of their time doing the work for which they were employed. "Reasonable time" does not necessarily equate with all the time required for the successful pursuit of a complaint.

## **6. RESPONSIBILITIES.**

**a. Employees and Employee Representatives:** Any OIG employee filing an EEO complaint, including his or her representative, will provide his or her supervisor with a written request for official time in connection with the complaint of discrimination. If a supervisor is not available to receive the written request, the employee should contact the next level supervisor.

1. Requests for official time should indicate: 1) a general purpose for use; 2) the amount of time to be used; and 3) a proposed schedule for use.
2. It is reasonable for a supervisor to require some proof that the employee needs the official time to engage in EEO complaint activity. Moreover, in certain circumstances an employee may be required to justify the amount of preparation time requested where that request is for a substantial number of hours.
3. Employees and their representatives also are afforded a reasonable amount of official time to prepare for the formal complaint and any appeals that may be filed with EEOC.
4. If a complainant or representative has already worked a full week and must attend a hearing or meeting on an off day, that complainant or representative is entitled to official time, which may require that the OIG pay overtime or grant compensatory time.
5. Time spent commuting to and from home is not included in official time computations because all employees are required to commute to and from their workplace on their own time.
6. Under federal rules employees must use their own annual leave, compensatory time and credit hours worked in lieu of administrative leave to prepare or respond to requests for information related to any civil litigation.

b. **Supervisors:** Supervisors should provide employees and employee representatives requesting official time with a decision (preferably within 2 business days) as to whether that time is approved or denied.

1. It is reasonable for a supervisor to require some proof that the employee needs the official time to engage in EEO complaint activity. Moreover, in certain circumstances an employee may be required to justify the amount of preparation time requested where that request is for substantial number of hours.
2. If the official time is denied, in whole or in part, the supervisor must prepare a written statement outlining the reasons for the denial, and provide the employee or representative with a copy of the written statement.
3. A copy of the written statement must be provided to the OIG EEO services official for inclusion in the complaint file.

Disputes regarding official time should be made to the Treasury Office of Civil Rights and Diversity at (202) 622-1160.

7. **CANCELLATION.** This policy replaces existing policy 830-03.



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Inspector General



Date