

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR'S REPORT**

A. AGENCY Indian Health Service,

CASE #

B. AGGRIEVED PERSON

Name **Janet English** SSN: 555-55-5555

Job _____
Title/Series/Grade: EEO Specialist GS-260-11

Place of Employment: Oklahoma City Area IHS 3625 N.W. 56th Street
Oklahoma City Area IHS, Oklahoma City, OK. 73112

Work Phone #: 405-951-3949 Home Phone #: 918-459-5555

Home Address: Rt 307 Box 100,000
Anadarko, OK. 77777

Representative: Jerry Shyster, Attorney at Law

Representative's Mailing Address: 200 Getinyopocket Street
Scumville, Texas 99999

Representative's Phone #: 555-9090 Check if Employee:

C. CHRONOLOGY OF COUNSELING ACTIVITIES (DATES)

Alleged Incident(s): Complainant is alleging harassment since January of 2000 by supervisor because of sex, and disability

Initial Contact:: April 15, 2000

Initial Interview: April 16, 2000

Aggrieved Person wishes to remain anonymous:

Yes

No

Aggrieved Person Advised of Opportunity to Participate in Established Dispute

Resolution

Procedure: 3rd Party or traditional EEO counseling

Complainant signs here to show they agreed to ADR

COMPLAINANT'S SIGNATURE

Final Interview Notice:

Date counselor actually submits counselors reports

Final Interview:

Date counselor gave the final interview.

Counseling Report Completed:

Self explanatory

Counseling Report Submitted to EEO Office:

If and when the office handling the formal complaint calls and requests copies of the report.

Counseling Report Sent/Delivered to Aggrieved Person:

Date actually handed to complainant or sent via certified mail to complainant and their representative.

Notice of Right To File a Discrimination Complaint:

This should be dated same as one above.

Has the Aggrieved Person filed a grievance or appealed to the Merit Systems Protection Board on the same matter? If so, what date was the grievance or appeal filed, and what is the status of the grievance or appeal? COUNSELORS PLEASE NOTE-If mixed complaint, you must have complainant furnish you a copy of the MSPB appeal they submitted, or if they have file union grievance (NGP) complainant must provide you with copy of the stage 1 grievance procedure. If unknown, you can check with Personnel to ascertain if either has been filed.

D. BASIS FOR ALLEGED DISCRIMINATION

Race/Color

See boxes below. Check only appropriate boxes (DUH)

1

- | | | |
|--|---|--|
| <input type="checkbox"/> 1 - Black | <input type="checkbox"/> 4 - Asian | <input type="checkbox"/> 7 - White |
| <input type="checkbox"/> 2 - Hispanic | <input type="checkbox"/> 5 - Aleut (Alaska Only) | <input type="checkbox"/> 8 - Puerto Rican |
| <input type="checkbox"/> 3 - American Indian | <input type="checkbox"/> 6 - Eskimo (Alaska Only) | <input type="checkbox"/> 9 - Other, specify: |

Religion

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> A - Jewish | <input type="checkbox"/> C - Protestant |
| <input type="checkbox"/> B - Catholic | <input type="checkbox"/> D - Other: _____ |

Disability

- | | | |
|---------------------------------------|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> P - Physical | <input type="checkbox"/> M - Mental | <input type="checkbox"/> B - Both |
|---------------------------------------|-------------------------------------|-----------------------------------|

National Origin

Specify National
Origin: _____

Age

Specify Age and Date of
Birth: _____

- Sex F - Female M - Male

Sexual Orientation

Reprisal

E. ISSUES ALLEGED

- | | |
|--|---|
| <input type="checkbox"/> 1 - Appt/Hire | <input type="checkbox"/> 14 - Harassment (Sexual |
| <input type="checkbox"/> 2 - Assign/Duties | <input type="checkbox"/> 15 - Pay Including O/T |
| <input type="checkbox"/> 3 - Awards | <input type="checkbox"/> 16 - Promotion/Non-selection |
| <input type="checkbox"/> 4 - Conversion FT | <input type="checkbox"/> 17 - Reassignment Request Denied |
| <input type="checkbox"/> 5 - Demotion | <input type="checkbox"/> 18 - Reassignment Directed |
| <input type="checkbox"/> 6 - Reprimand | <input type="checkbox"/> 19 - Reinstatement |
| <input type="checkbox"/> 7 - Suspension | <input type="checkbox"/> 20 - Retirement |
| <input type="checkbox"/> 8 - Termination | <input type="checkbox"/> 21 - Time & Attendance |
| <input type="checkbox"/> 9 - Disciplinary Action (Other) | <input type="checkbox"/> 22 - Training |

- 10 - Duty Hours
- 11 - Examination/Test
- 12 - Evaluation/Appraisal
- 13 - Harassment (Nonsexual)

- 23 - Terms/Conditions of Employment
- 24 - Reasonable Accommodation
- 25 - Other

F. List Allegations/Issues below:

-
1. On January 26, 2000 the supervisor requested sick leave slip.
 2. On February 5, 2000 the supervisor talked down to me. Counselor must find out exactly what was said.
 3. On February 7, 2000 the supervisor allowed a co-worker to cuss at me. Counselor must find out exactly what was said.
 4. On February 9, 2000 the supervisor called me stupid.
 5. On February 17, 2000 the supervisor observed my performance for 45 minutes.
 6. On February 25, 2000 the supervisor told me my shirt was sticking out of my pants, and I needed to put my shirt back in.
 7. On March 1, 2000 my supervisor cussed at me. Counselor must find out exactly what was said.
 8. On March 4, 2000 my supervisor counseled me on my performance.

Management's Response to each allegation

Issue 1-

Supervisor admits he requested leave from complainant because she was out on sick leave on January 25, 2000, and she had not turned in a sick leave slip.

Issue 2-

The supervisor admits that there was conversation with the complainant, and he admits that he told her "she had better start performing".

Issue 3

The supervisor admits that another employee told the complainant "damn your hide", but supervisor states he advised he has taken appropriate action against that employee.

Issue 4

The supervisor denies he called the complainant "stupid."

Issue 5

The supervisor admits he observed the complainant for about 45 minutes while performing her job. He states he did it so he could see if she was having any trouble with her computer or to ascertain if he could assist her with problems she may be having.

Issue 6

The supervisor admits he told the complainant to put the shirt back in her pants because she looked sloppy, and the Assistant Secretary was coming into the office for a tour.

Issue 7

The supervisor denies cussing at the complainant. However, the supervisor admits that he admits makmade a

Issues/Allegations continued.

Said these damn stinking ass computers, but he did not cuss at her.

Issue 8

The supervisor admits that he discussed the complainant's performance with her because she was not getting the reports out on time.

G. SUMMARY OF COUNSELOR'S INQUIRY

1. Personal Contacts:

	<u>Name and Title</u>	<u>Phone Number</u>
Joe Hardbut	Complainant's Supervisor	505-900-0000
Bill Dumbarse	Complainant, 2 nd supervisor	Same
Anita Goodjoe	Co-worker	Same
Bob Knowitall	Personnel Officer	505-900-0001

2. Documents Reviewed:

No copy received-Complainant's EPMS 1999

Attachment A-Copy of supervisors letters dated 11-12-99, concerning complainant's performance.

Attachment B-Copy of complainant's 564 (timekeepers record) showing complainant was on sick leave on January 25, 2000.

H. INFORMATION OBTAINED DURING INQUIRY/DOCUMENTS REVIEWED

It appears from reviewing the documents and discussing the allegations with various officials, that management has some concerns regarding complainant's performance. This was shown to the counselor, and one copy of the supervisors memo regarding complainant's performance is attached (See Attachment A). In addition, the time card shows that complainant has taken numerous amounts of sick leave and unscheduled annual leave. See 564.

In fact finding the other issues the complainant has brought up, such as being cussed at, or being called "stupid", no one has ever heard the supervisor call anyone, but attorneys, stupid. In addition, they all say the supervisor does "cuss" but nothing that is obscene or vulgar.

I. SUMMARY OF INFORMAL RESOLUTION ATTEMPT

Management wants to resolve the complaint however, the complainant will not take any type of resolution that does not promise \$300,000. The counselor has advised complainant of legal obligation to provide objective documentation showing entitlement to comp damages award.

J. SUMMARY OF COUNSELOR'S ADVICE TO INVOLVED AGENCY OFFICIAL(S)

K. COUNSELOR'S CERTIFICATION

Signature of EEO Counselor

Counselor's Telephone Number

Name of EEO Counselor

Counselor's Office Address

Date Counselor's Report Completed

City, State, Zip Code

Total number of hours spent counseling this case _____ (Include all contacts, preparation and travel time).

L. AGGRIEVED PERSON'S CERTIFICATION

This acknowledges my receipt of two copies of this EEO Counselor's Report. The Counselor has provided me with a written statement of my rights and responsibilities regarding the EEO complaint process, and has furnished me with a written Notice of Right to File a Discrimination Complaint on _____.

Signature of Aggrieved Person

Date

- ATTACHMENTS:**
- 1) Notice of Right to File a Discrimination Complaint
 - 2) Rights & Responsibilities Memo
 - 3) Election Form