
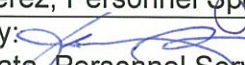
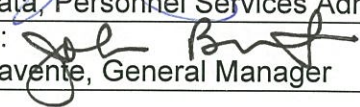


GUAM POWER AUTHORITY STANDARD OPERATING PROCEDURE	No.: *SOP-118	Issued: 04/22/03
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	Concurred By: 	Julie L. Quinata, Personnel Services Administrator
Title: GUIDELINES AND FORMS FOR EEO COUNSELORS	Approved By: 	John M. Benavente, General Manager
Effective Date: 4/22/03	Supersedes No.:	Page 1 of 4

I. PURPOSE:

To resolve EEO related cases in the shortest possible time. To ensure that GPA EEO Counselors have achieved and attained proper training in all areas of discrimination. To ensure that proper forms are utilized consistent with the Civil Service Commission's Discrimination Complaint Process and the Authority's Discrimination Complaint Procedure.

II. SCOPE:

This procedure is applicable to all trained and certified EEO Counselors within the Authority.

III. DUTIES OF COUNSELOR:

A. Discussing problem with complainant:

EEO counseling begins when an aggrieved applicant or employee comes to the Counselor with a complaint. In cases of walk-ins, the problem may be fully discussed when the aggrieved first contacts the Counselor. In other cases, he/she may contact the Counselor for an appointment at another time. The Counselor must then set a specific time and place that is convenient for the Complainant's first counseling session. At that time, the Complainant is informed of the right to have a representative present at all counseling sessions, including the first session.

A single incident may be the immediate cause for a Complainant; but the problem may also be the result of previous incidents. Although the cause of employee problems are varied, the matters that usually called to the attention of Counselors include: failure to be promoted or to be considered for promotion; failure to be selected for training; disciplinary action; or harassment by supervisors or others.

The Counselor must listen attentively and maintain an atmosphere, which facilitates communication. He/she should not prevent the Complainant from talking about a problem even if it does not appear to be a matter under the purview of the discrimination complaint procedure. If the problem is clearly not an EEO matter, the Counselor should direct the Complainant to the proper channels.

The Counselor must advise the Complainant that if he/she chooses, his/her identity will be kept in confidence. However, the Counselor must also explain any difficulties or

limitations that may be encountered as a result of withholding the Complainant's identity.

B. Making Inquiries:

After the initial interview with the employee and after having determined that the complaint falls under the purview of the EEO process, the Counselor should determine what facts will be needed to resolve the issues raised during the discussion of the problem. The Counselor must then attempt to gather these facts through interviews with agency officials, supervisors, and other employees, and through examination of pertinent records and materials. Where necessary for a complete inquiry, a review of personnel records of a Complainant and others who are involved may be made with the written permission of these individuals.

The Counselor's interviews with the Complainant's supervisors, associates, and others are to be conducted informally without sworn testimony or extensive documentation. Informal interviews and record reviews are not to be confused with the kind of in-depth investigation that is made by a trained investigator under formal discrimination complaint procedures.

To avoid confusion regarding the Counselor's role, the word "investigation" should not be used during interviews.

C. Attempting Informal Resolution:

When the Counselor believes there is enough information to resolve the problem, inquiry should be suspended and consulting with the Complainant and appropriate management officials should make efforts at resolution. The Counselor must choose the course most likely to succeed.

There is no formula for the Counselor to follow in attempting a resolution. Any solution proposed must be based on facts gathered in the inquiry, and must be realistic. When action is suggested for management it should be sensible and sound so that management may reasonably be expected to implement it; a Counselor must take care not to suggest action, which would violate law, regulation, or policy and should be aware of the provisions of any negotiated agreement. If management agrees to some action, it is good practice for the Counselor to see that a written record is made of the agreement and that a copy is provided for the Complainant.

The Counselor maintains full control in resolving individual cases; but where appropriate, may ask for assistance from the EEO Coordinator/Officer in obtaining records and in resolving a dispute. When the Coordinator/Officer is asked to help resolve a dispute, the Counselor should explain what has been learned in the inquiry (using the employee's name only if employee has given permission to do so) and be prepared to recommend specific action.

D. Terminating Counseling When Informal Resolution Fails:

If the Counselor cannot resolve the problem within fifteen (15) days after the first interview with the Complainant, the Counselor must advise the Complainant in writing of the right to file a formal complaint of discrimination. (see Form C-2 for sample format of written notice) If the Complainant does not elect to file a formal complaint at this point, counseling may continue if the Counselor believes informal resolution of the problem is still possible. As soon as the Counselor is reasonably certain that the complaint cannot be resolved to the satisfaction of the Complainant, counseling must be terminated and a final interview held with the complaint.

At the final interview, the Counselor must inform the Complainant in writing of the right to file a formal complaint within five (5) days following the receipt of the final notice. (see Form GPA-C-3 for sample format of written notice) The Counselor must inform the Complainant that the complaint must be in writing, must be specific with regard to the allegations, and must be signed. The basic information outlined in the Complaint Form is sufficient since the Counselor covers further details in the written report. The Counselor must make sure that the Complainant understands what information is being asked for on the Complaint Form, and any assistance rendered must be for this purpose.

The Counselor must explain that once the complaint reaches the formal processing stage, the complaint file will be opened to all who are involved and need access to it, including the EEO Coordinator/Officer, management officials, and persons whom the Complainant has identified as alleged discriminatory officials.

E. Writing a Report When Employee Files a Complaint:

When a formal complaint of discrimination is filed, the Counselor must submit a counseling report to the Civil Service Commission, the EEO Coordinator/Officer, and the Complainant. The Counselor's report must clearly identify the issues, summarize the information gathered in the interviews and inquiries, and state the proposed resolutions offered both to the agency and the Complainant. (See Form GPA-C-4 for sample format of written counseling report)

F. Briefing the Coordinator and Recommending Improvements:

The Counselor should keep notes on all his/her counseling activities so that he/she may discuss program problems with the EEO Coordinator/Officer, provide input for the agency's counseling activity reports, or provide information on counseling activities to EEO officials. Any time the Counselor has information for improving the program in the organization, he/she should discuss this information with the Coordinator/Officer.

IV. CONSOLIDATION OF COMPLAINTS:

There may be situations where complaints filed by different Complainants arise out of the same transaction or set of facts, and the claims or interests being asserted are sufficiently related. In this situation, a Counselor may consolidate these complaints if it would be more efficient to pursue the complaints in a single transaction than in a series of separate actions; and after securing permission from the Complainants.

In preparing the counseling report, the Counselor should refer to the complaints as consolidated complaints and treat them as a single complaint.

V. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC):

Employees may also file any alleged complaint(s) simultaneously with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed within the one hundred eighty (180) days of the alleged discriminatory act.

VI. UNCLASSIFIED EMPLOYEES:

Unclassified employees, excluding agency heads and their deputies, may utilize the EEO Counseling process to resolve complaints of discrimination. Counseling should be terminated when the problem cannot be resolved informally. At that time, the unclassified employee must be advised that he/she, with permission from agency head, may request for informal hearing before the Civil Service Commission-EEO Review Board within 10 work days from date counseling ended. Unclassified employees do not have a right to file a formal complaint with the Civil Service Commission. They may, however, file a complaint directly to the EEOC.

VII. FORMS:

The following forms must be utilized for EEO cases:

1. Form GPA-C-1: "Use of Name"
2. Form GPA-C-2: "Notice of Right to File a Discrimination Complaint"
3. Form GPA-C-3: "Notice of Final Interview and Right to File Complaint"
4. Discrimination Complaint Form
5. Form GPA-C-4: "Counseling Report"

Distribution A, B, & C



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977

USE OF NAME

DATE: _____

TO: _____, EEO Counselor

In pursuing the informal stage of the EEO complaint, I do/do not (circle one) wish my name to be used.

I understand that this restriction may hamper your counseling activities in securing information relative to my case.

Signature of Complainant

Date: _____

NOTE: This form is made up in duplicate. The EEO Counselor retains the original and the Complainant gets a copy.



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Date: _____

TO:

Name of Person Counseled

FROM:

Name of EEO Counselor

Division/Section

SUBJECT: Right to File Complaint

This is to inform you that although counseling on the matter you brought to the attention of the EEO Counselor has not been completed, fifteen (15) consecutive workdays have gone by since you first contacted the Counselor and you are now entitled, if you wish to do so, to file a discrimination complaint if you believe you have been discriminated against on the basis of race, religion, creed, color, sex, national origin, age, handicap, marital status, or political affiliation. You must file your complaint within five (5) consecutive workdays from the date you receive this memorandum. If you do not file a complaint at this time, counseling will continue. You will be informed when the final counseling interview will be conducted.

If you file a complaint, it must be in writing and be filed in person or by mail with the following official authorized to receive discrimination complaints:

EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
490 Chalan Palasyo
Agana Heights, Guam

or EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
P.O. Box 3156
Hagatna, Guam 96932

Counselor

Received By:

Complainant/Representative-Print & Sign

NOTE TO COUNSELOR: A copy of this notice should be kept by the Counselor. If a complaint is filed, the copy must accompany the Counselor's report on his counseling activities and be made a part of the complaint file. This notice must be given by the Counselor to the person counseled, fifteen (15) consecutive workdays after the Counselor was first consulted on the matter.



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977

NOTICE OF FINAL INTERVIEW AND RIGHT TO FILE COMPLAINT

Date: _____

TO:

NAME OF PERSON COUNSELED

FROM:

EEO COUNSELOR

DIVISION/SECTION

SUBJECT: Notice of Final Interview and Right to File Complaint

This is notice that on _____, 20____, the final counseling interview was held in connection with the matter you presented to the EEO Counselor. An informal resolution of your complaint was not possible. Therefore, if you believe you have been discriminated against on the basis of race, religion, creed, color, sex, national origin, age, handicap, marital status, or political affiliation, you have the right to file a complaint of discrimination within five (5) consecutive workdays after receipt of this notice.

The complaint must be in writing and be filed in person or by mail with the following authorized to receive discrimination complaints:

EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
490 Chalan Palasyo
Agana Heights, Guam

or

EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
P.O. Box 3156
Hagatna, Guam 96932

Counselor

Received By:

Complainant/Representative/Print & Sign

Date: _____

NOTE TO COUNSELOR: This notice is to be given to the person counseled at the time of the final interview. A copy of this notice should be kept by the Counselor. If a complaint is filed, the copy must accompany the Counselor's Report on his counseling activities and be made a part of the complaint file.



GUAM POWER AUTHORITY
ATURIDAT ILEKTRESEDAT GUAHAN
P.O. BOX 2977, HAGATNA, GUAM USA 96932-2977

COMPLAINT OF DISCRIMINATION

Because of: Race, Color, Religion, Creed, National Origin, Sex, Handicap, Marital Status, Age or Political Affiliation

Provide the following information and submit it to the General Manager. (Please type or print)

1. COMPLAINANT'S FULL NAME:	
2. MAILING ADDRESS:	
3. WORK PHONE:	4. HOME PHONE:
5. NAME OF AGENCY WHERE YOU WORK:	
6. AGENCY'S ADDRESS:	
7. TITLE AND PAY GRADE OF YOUR JOB:	

Prepare a separate complaint form for each office that you believe discriminated against you.

1. WHICH DEPARTMENT DO YOU BELIEVE DISCRIMINATED AGAINST YOU?	
2. NAME OF UNIT YOU BELIEVE DISCRIMINATED AGAINST YOU?	
3. NAME AND TITLE OF PERSON(s) YOU BELIEVE DISCRIMINATED AGAINST YOU:	
NAME	POSITION TITLE
_____	_____
_____	_____
_____	_____
4. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE:	
5. LIST WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST:	
<input type="checkbox"/> RACE-state your race: _____	
<input type="checkbox"/> COLOR-state your color: _____	
<input type="checkbox"/> RELIGION-state your religion: _____	
<input type="checkbox"/> CREED-state your creed: _____	
<input type="checkbox"/> NATIONAL ORIGIN-state your national origin: _____	
<input type="checkbox"/> SEX-state your sex: _____	
<input type="checkbox"/> HANDICAP-state your handicap: _____	
<input type="checkbox"/> MARITAL STATUS-state your marital status: _____	
<input type="checkbox"/> AGE-state your age: _____	
<input type="checkbox"/> POLITICAL AFFILIATION-state your political affiliation: _____	

Page 2 – COMPLAINT OF DISCRIMINATION

6. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST:

7. HAVE YOU DISCUSSED YOUR COMPLAINT WITH AN EQUAL OPPORTUNITY COUNSELOR:
☐ YES ☐ NO

COUNSELOR'S NAME: _____

8. WHAT CORRECTIVE ACTION DO YOU WANT ON BEHALF OF YOUR COMPLAINT:

DATE OF COMPLAINT

SIGNATURE OF COMPLAINANT

Submit Complaint to:

EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
490 Chalan Palasyo
Agana Heights, Guam

or

EQUAL OPPORTUNITY ADMINISTRATOR
Civil Service Commission
P.O. Box 3156
Agana Heights, Guam



GUAM POWER AUTHORITY

ATURIDÂT ILEKTRESEDÂT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977

COUNSELING REPORT

Issues: (Separation, Non-promotion, etc.)

TYPE OF ALLEGED DISCRIMINATION	EVENT #1 – ISSUE	EVENT #2 - ISSUE	EVENT #3 - ISSUE
Race:			
Color:			
Sex:			
Religion:			
Creed:			
Age:			
National Origin:			
Handicap:			
Marital Status:			
Political Affiliation:			

Page 2 – Counseling Report

On each issue, develop the following:

1. Description of each event (including specifics, dates, names, etc.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

2. Requested relief:

3. Alleged discriminatory official(s):

4. Facts developed:

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6. Information showing substance to allegation(s):

7. Advice and/or recommendation(s) to Complainant:

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