



# EEO COUNSELORS SKILLS

## II THE PRACTICE

# EEOC Tic-Tac-Do

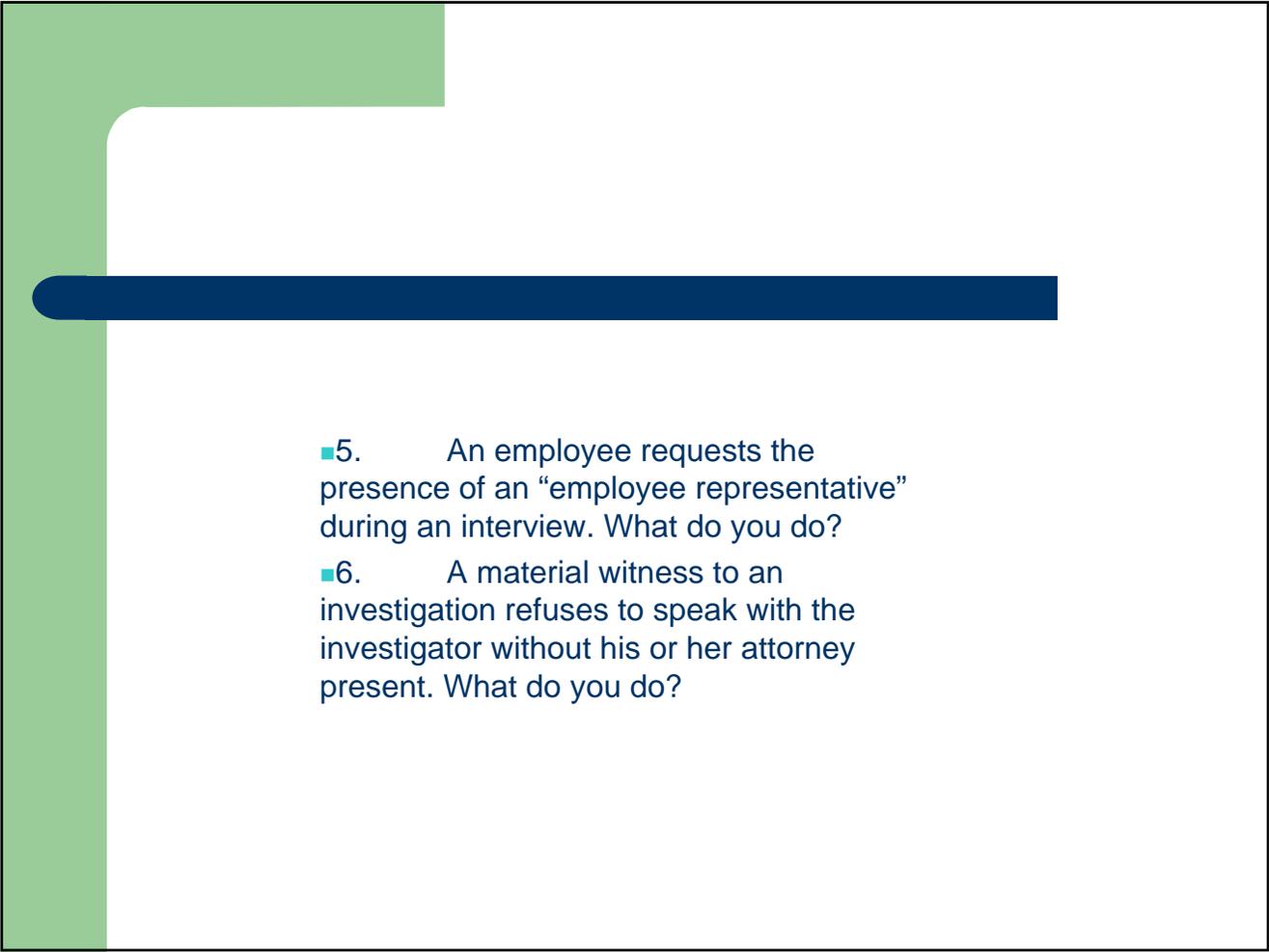
## RULES OF THE GAME

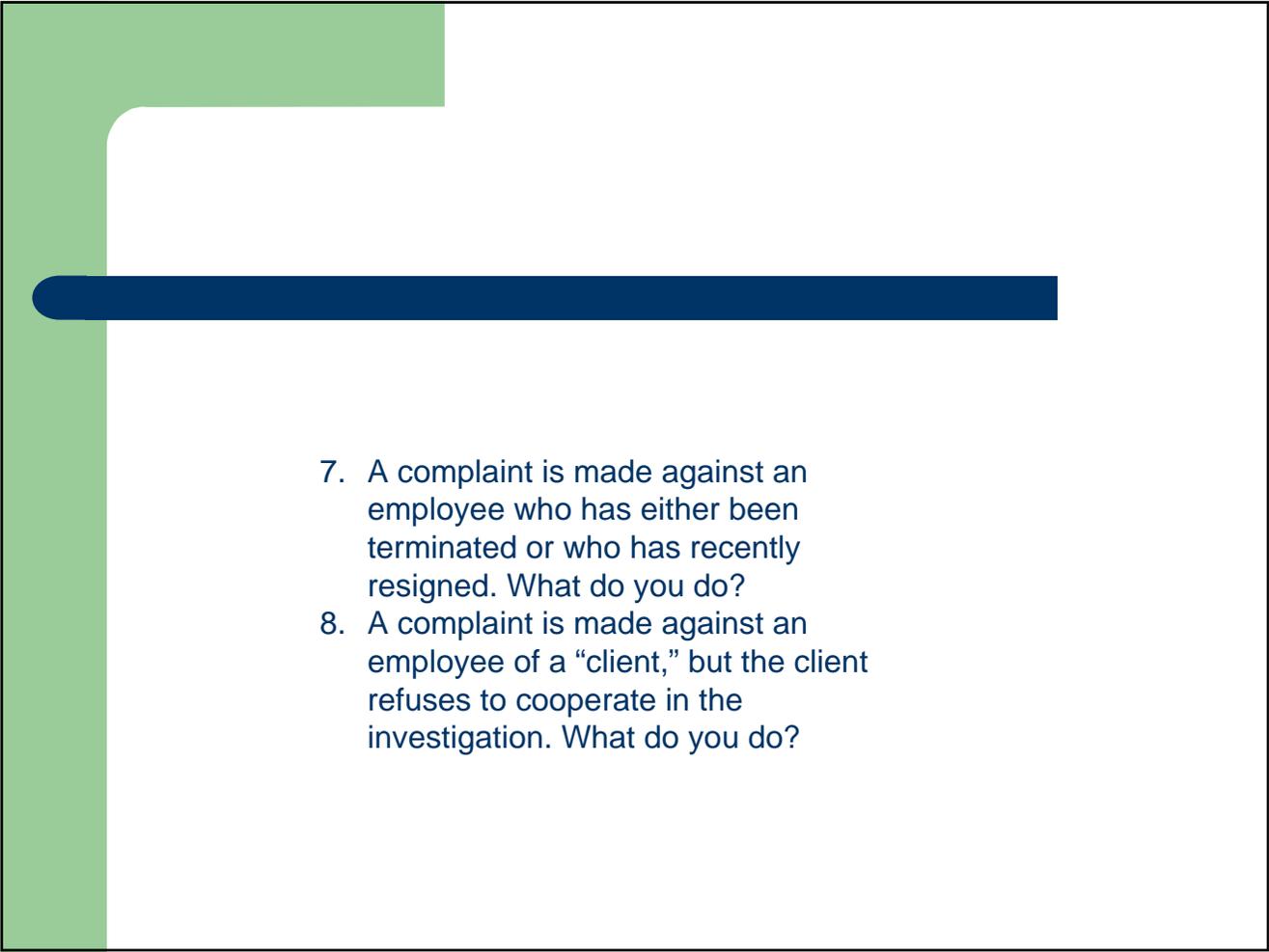
1. YOU MUST GET TWO TIC-TAC-DO'S.
2. FIRST PERSON TO DO SO WINS.
3. THE ANSWERS MUST BE CORRECT
4. YOU CAN NOT IDENTIFY YOURSELF AS A SOURCE FOR ANSWER. YOU MUST FIND SOMEONE IN THIS ROOM WHO KNOWS ANSWER AND WRITE DOWN ANSWER AND NAME OF PERSON, THEIR AGENCY AND HOW LONG THEY HAVE BEEN AN EEO COUNSELOR. ALL ANSWERS MUST BE CORRECT TO WIN. SOURCES CAN NOT ALL BE FROM SAME AGENCY.

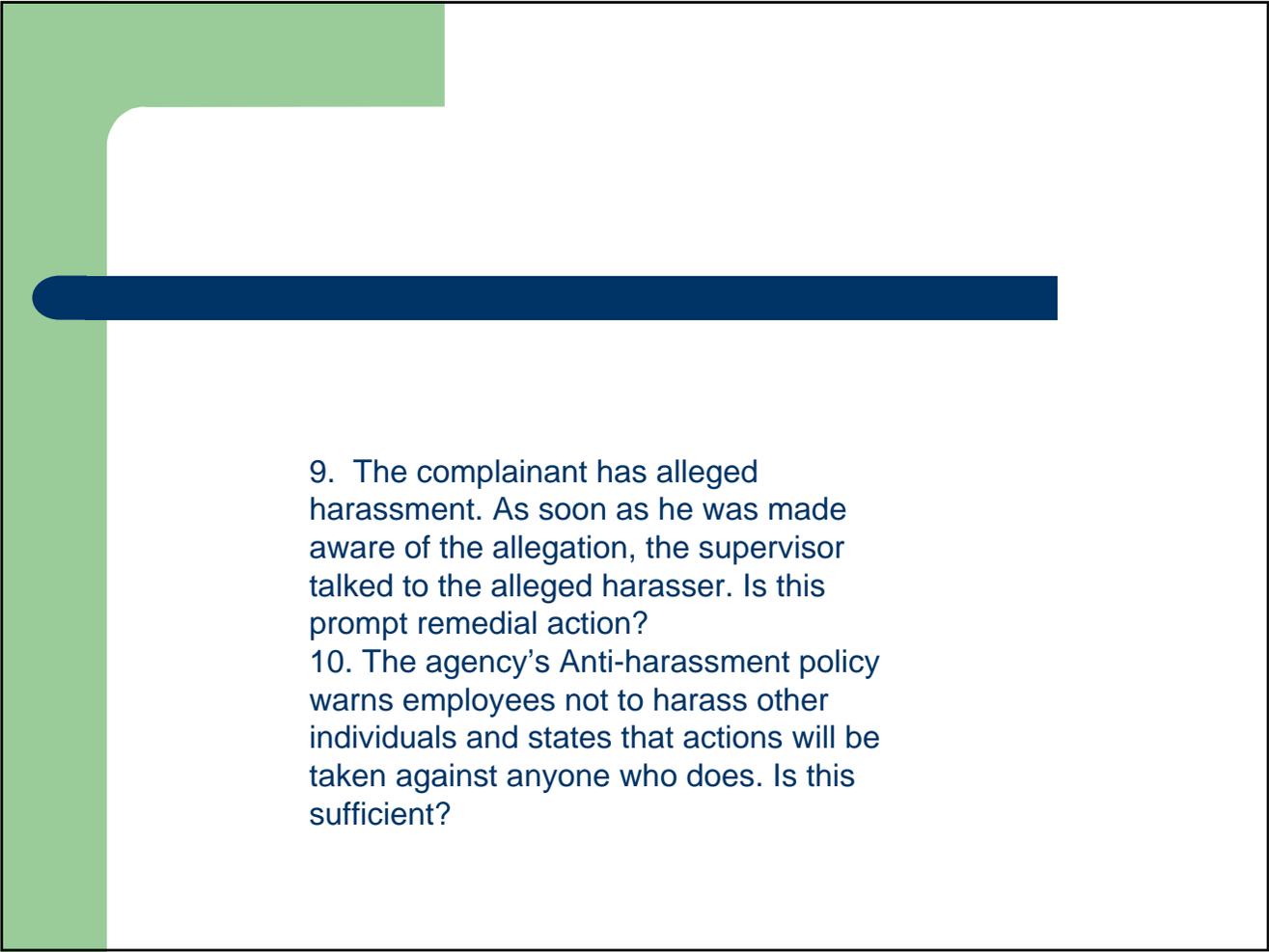
An EEO counselor has 90 days to finish the inquiry	A comparison employee in an Age case cannot be over 40	A prima facie case must always have a comparison employee
Grievances are protected activities	Free Space	The RMO should never be told who brought the complaint.
Medical documentation is necessary for a disability complaint	An individual must have filed a prior EEO complaint to allege retaliation	There are four ways to handle mixed cases

## Questions for Discussion

1. Employee files a complaint alleging sexual harassment, but asks that no investigation be undertaken. What do you do?
2. Employee files a complaint, but asks for total confidentiality. What do you do?
3. Employee files a sexual harassment complaint, but refuses to divulge name of the harasser or other witnesses. What do you do?
4. An anonymous complaint is made. What do you do?

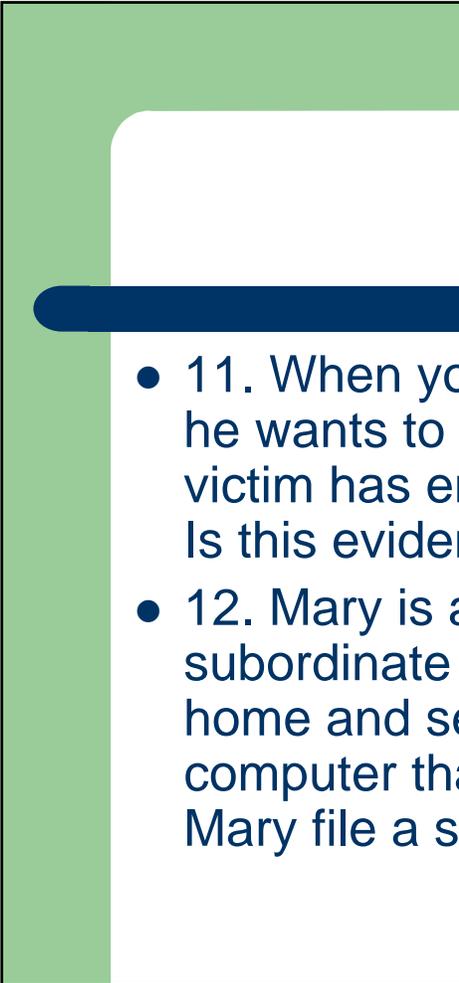
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- 5. An employee requests the presence of an “employee representative” during an interview. What do you do?
  - 6. A material witness to an investigation refuses to speak with the investigator without his or her attorney present. What do you do?

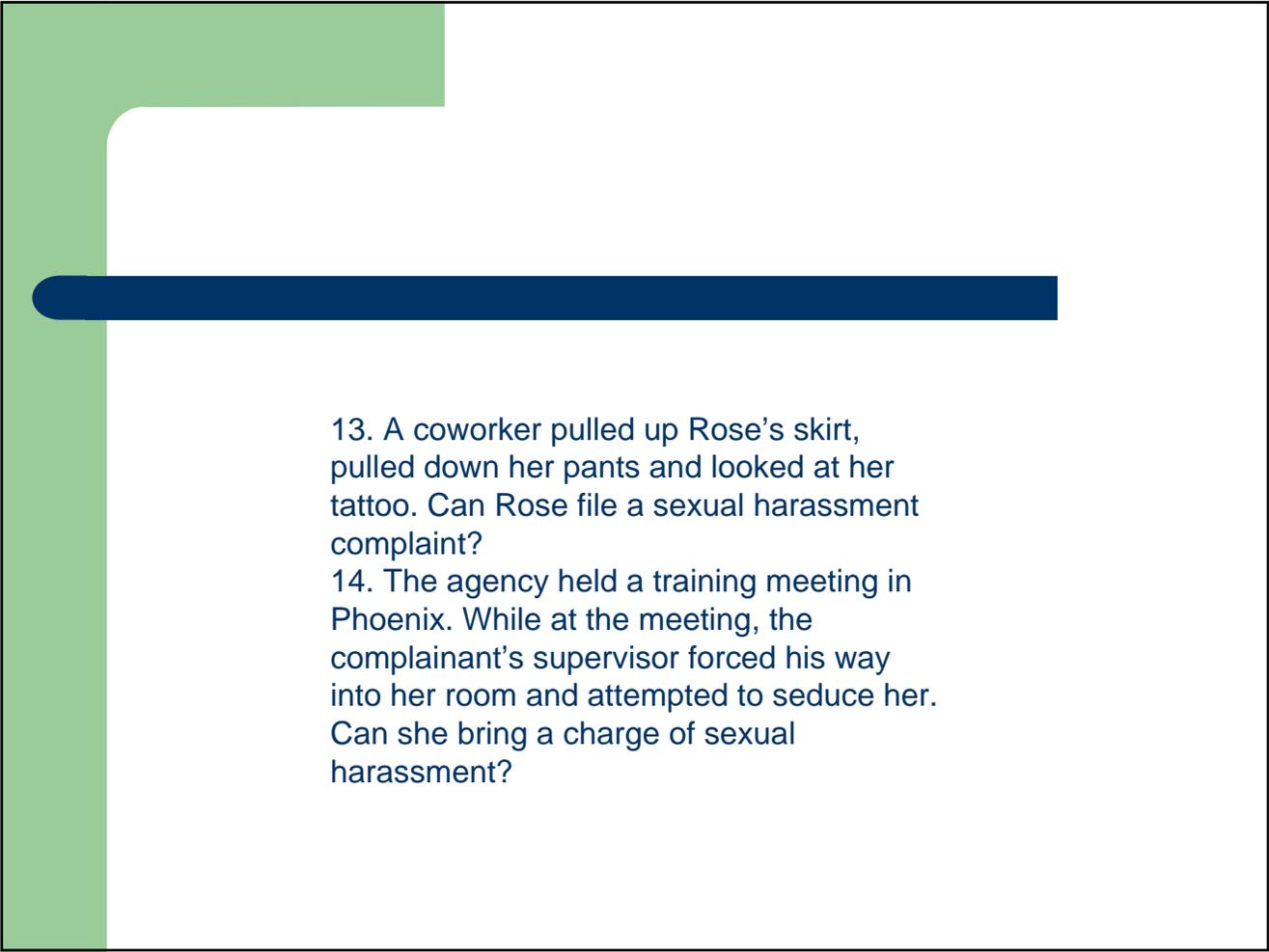
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7. A complaint is made against an employee who has either been terminated or who has recently resigned. What do you do?
  8. A complaint is made against an employee of a “client,” but the client refuses to cooperate in the investigation. What do you do?



9. The complainant has alleged harassment. As soon as he was made aware of the allegation, the supervisor talked to the alleged harasser. Is this prompt remedial action?

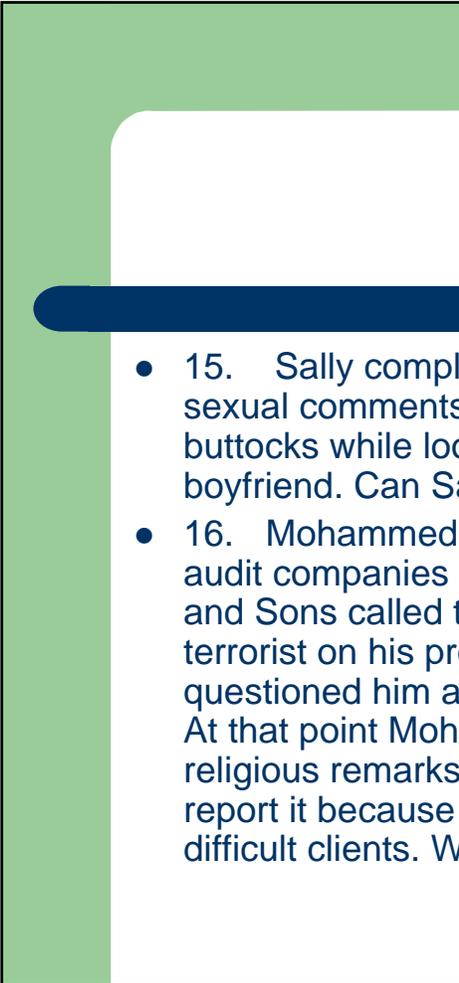
10. The agency's Anti-harassment policy warns employees not to harass other individuals and states that actions will be taken against anyone who does. Is this sufficient?

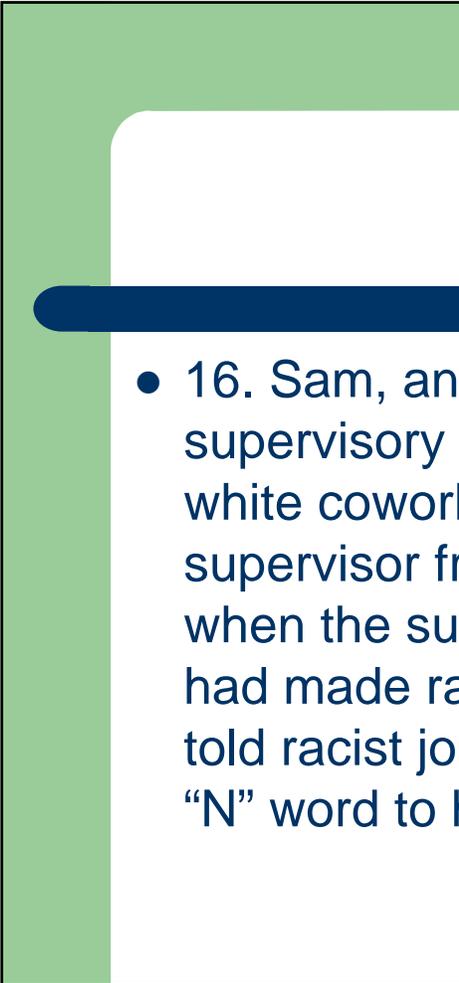
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- 11. When you talk to the responsible official he wants to offer evidence that the alleged victim has engaged in other sexual behavior. Is this evidence admissible and is it relevant?
  - 12. Mary is a supervisor with the agency. Her subordinate Larry has been following her home and sending her notes on the office computer that he wants to date her. Can Mary file a sexual harassment complaint?

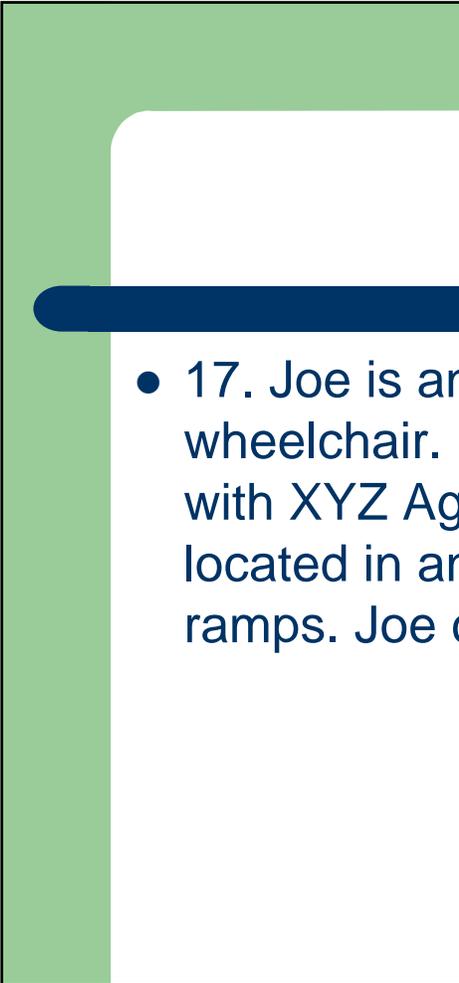


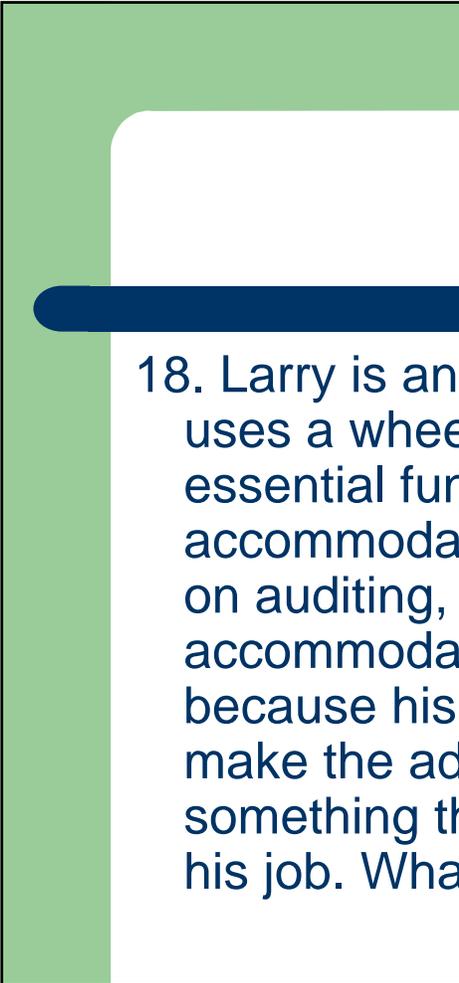
13. A coworker pulled up Rose's skirt, pulled down her pants and looked at her tattoo. Can Rose file a sexual harassment complaint?

14. The agency held a training meeting in Phoenix. While at the meeting, the complainant's supervisor forced his way into her room and attempted to seduce her. Can she bring a charge of sexual harassment?

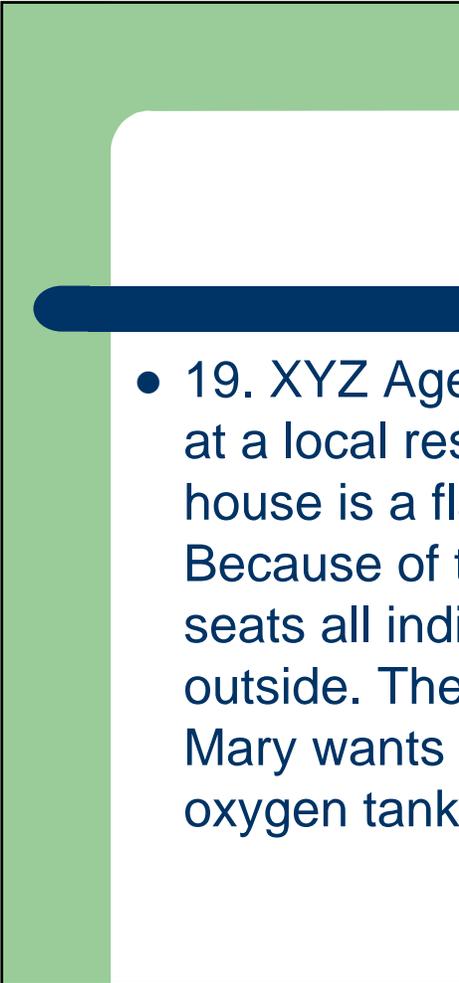
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- 15. Sally complains that Pam has attempted to kiss her, made sexual comments, blown kisses in her direction, and rubbed her buttocks while looking at Sally. Pam has children and a boyfriend. Can Sally charge same sex sexual harassment?
  - 16. Mohammed is an auditor for the agency. He is assigned to audit companies books on their premises. The owner of Jones and Sons called the agency and stated he did not want a terrorist on his property. The agency called Mohammed in and questioned him about what had happened at Jones and Sons. At that point Mohammed informs them of the racist and religious remarks that had been said. He tells them he did not report it because he felt they would think he could not handle difficult clients. What should the agency do?

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- 16. Sam, an African American, worked as a supervisory guard for the agency. Two of his white coworkers informed him that his supervisor frequently used the “N” word when the supervisor was talking to them and had made racist jokes. The supervisor never told racist jokes in front of him or used the “N” word to him. What can Sam do?

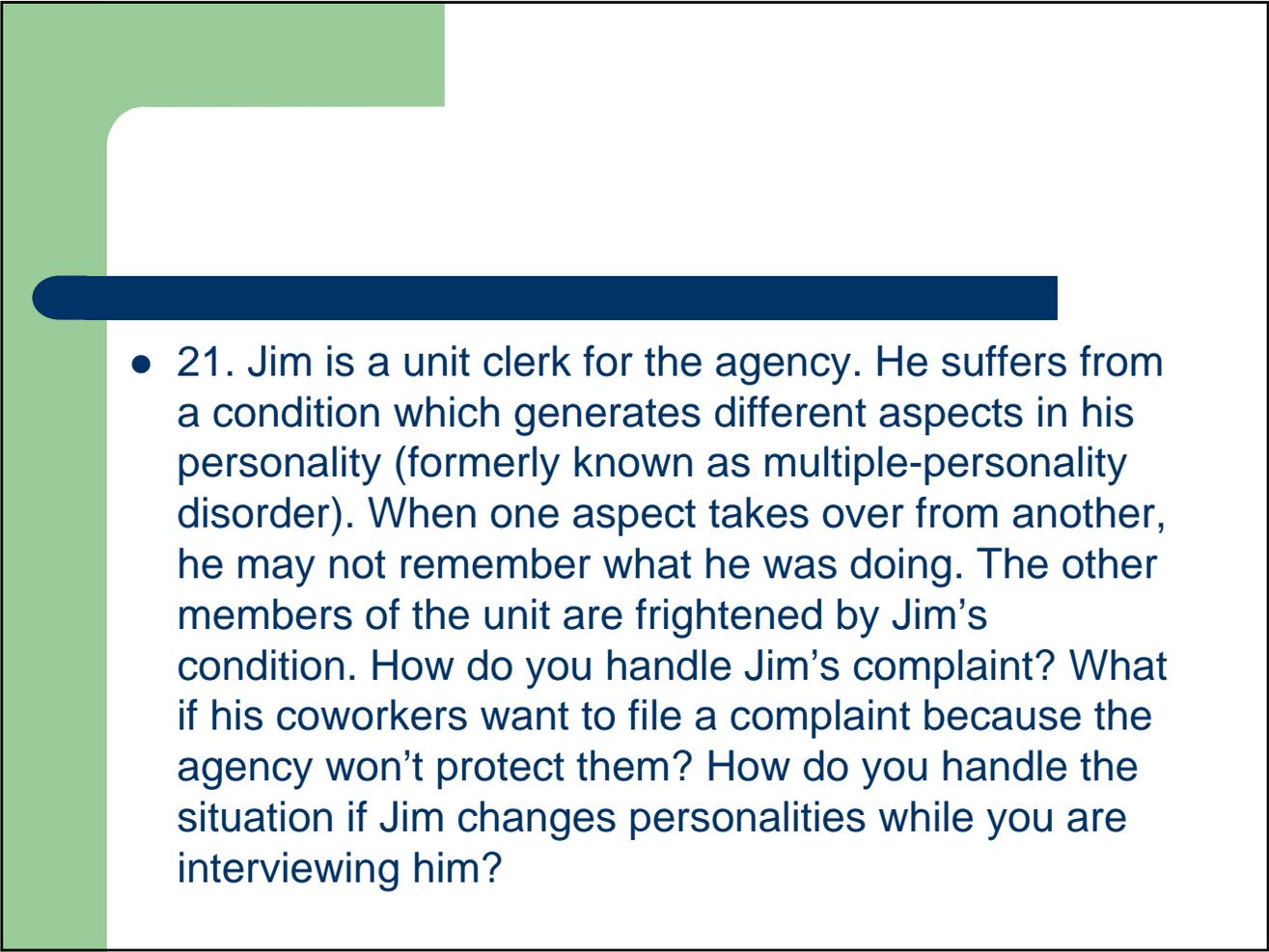
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- 17. Joe is an individual who uses a wheelchair. He would like to apply for a job with XYZ Agency. XYZ's personnel office is located in an old building that does not have ramps. Joe calls you. What do you do?

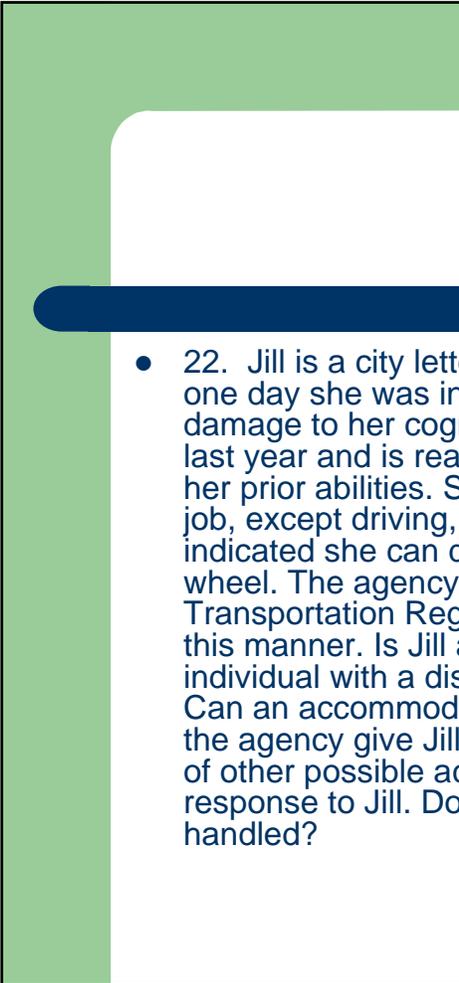


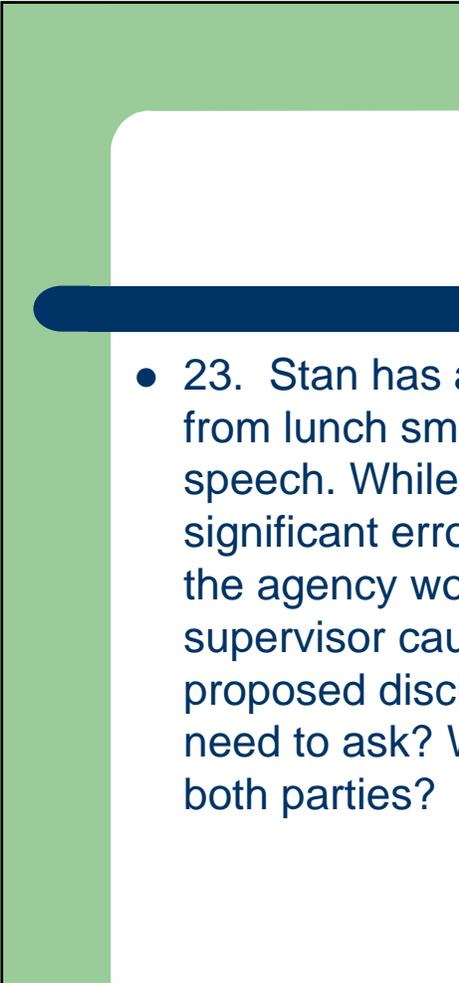
18. Larry is an auditor with the agency. He uses a wheel chair, but can do all the essential functions of his position with accommodation. He wants to teach a class on auditing, but needs additional accommodation to do so. He calls you because his supervisor does not want to make the additional accommodations to something that is not an essential function of his job. What do you tell the supervisor?

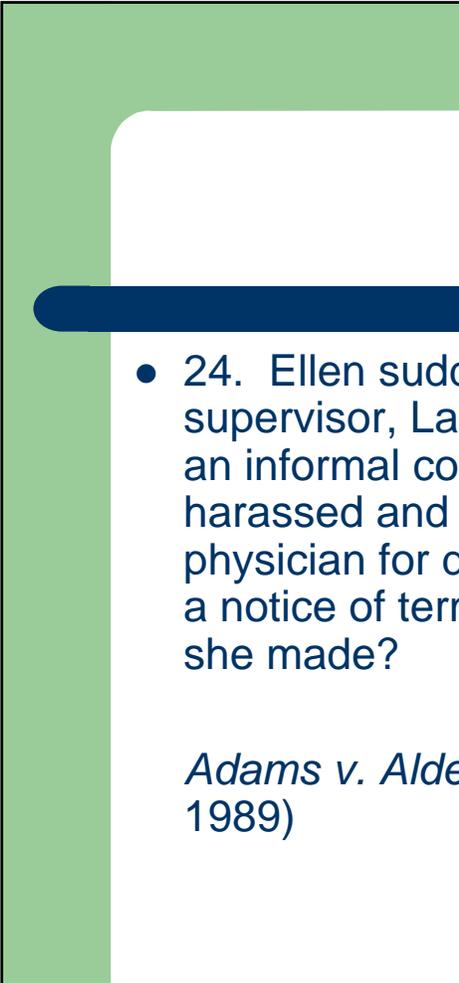
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- 19. XYZ Agency is having a Christmas party at a local restaurant. The specialty of the house is a flaming dish called qua-qua. Because of the danger of fire , the restaurant seats all individuals who use oxygen tanks outside. The agency's party is inside and Mary wants to attend, but she uses an oxygen tank. What do you tell her?

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- 20. Melissa is right handed. She is a clerk typist with the agency. She broke her right arm and it is expected to take up to six months to heal and then she will have to go through physical therapy. What accommodation, if any, would the agency be required to make?

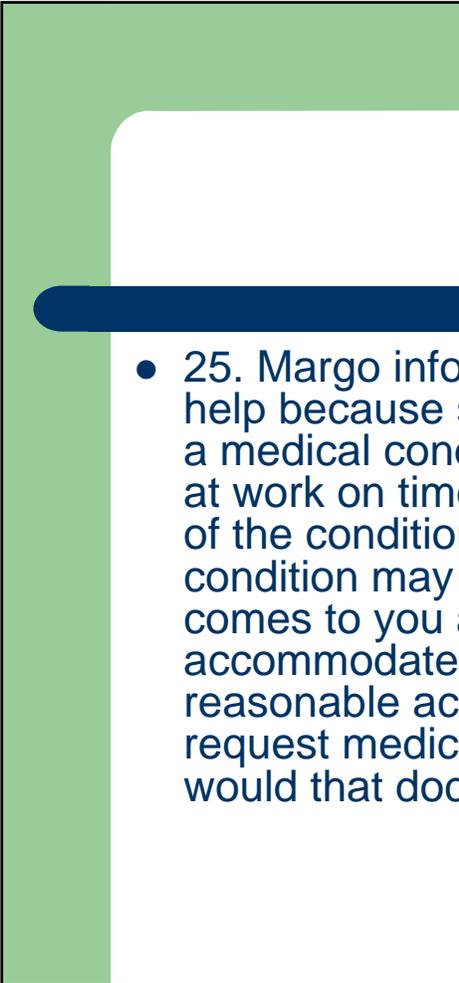
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- 21. Jim is a unit clerk for the agency. He suffers from a condition which generates different aspects in his personality (formerly known as multiple-personality disorder). When one aspect takes over from another, he may not remember what he was doing. The other members of the unit are frightened by Jim's condition. How do you handle Jim's complaint? What if his coworkers want to file a complaint because the agency won't protect them? How do you handle the situation if Jim changes personalities while you are interviewing him?

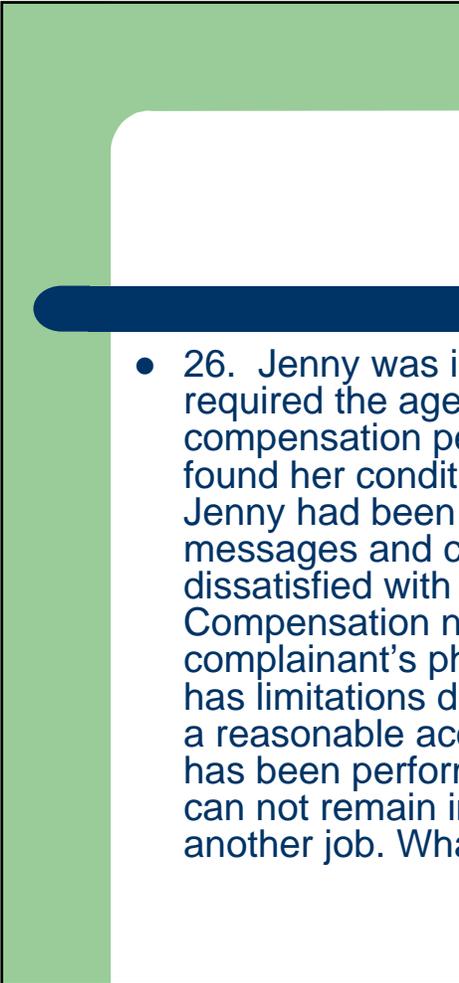
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- 22. Jill is a city letter carrier with the agency. Driving home from work one day she was involved in a terrible auto accident which left her with damage to her cognitive abilities. She has gradually improve over the last year and is ready to return to work, but she will never fully regain her prior abilities. She can perform all the essential functions of her job, except driving, without accommodation. Her physician has indicated she can drive if the agency will install a knob on the steering wheel. The agency has responded that the Department of Transportation Regulations prohibit them from modifying the vehicle in this manner. Is Jill an individual with a disability and a qualified individual with a disability? Is driving an essential function of the job? Can an accommodation be made? If DOT does have such a rule must the agency give Jill a knob as an accommodation? What are examples of other possible accommodations? How do you explain the agency's response to Jill. Does the ADA change the way this case would be handled?

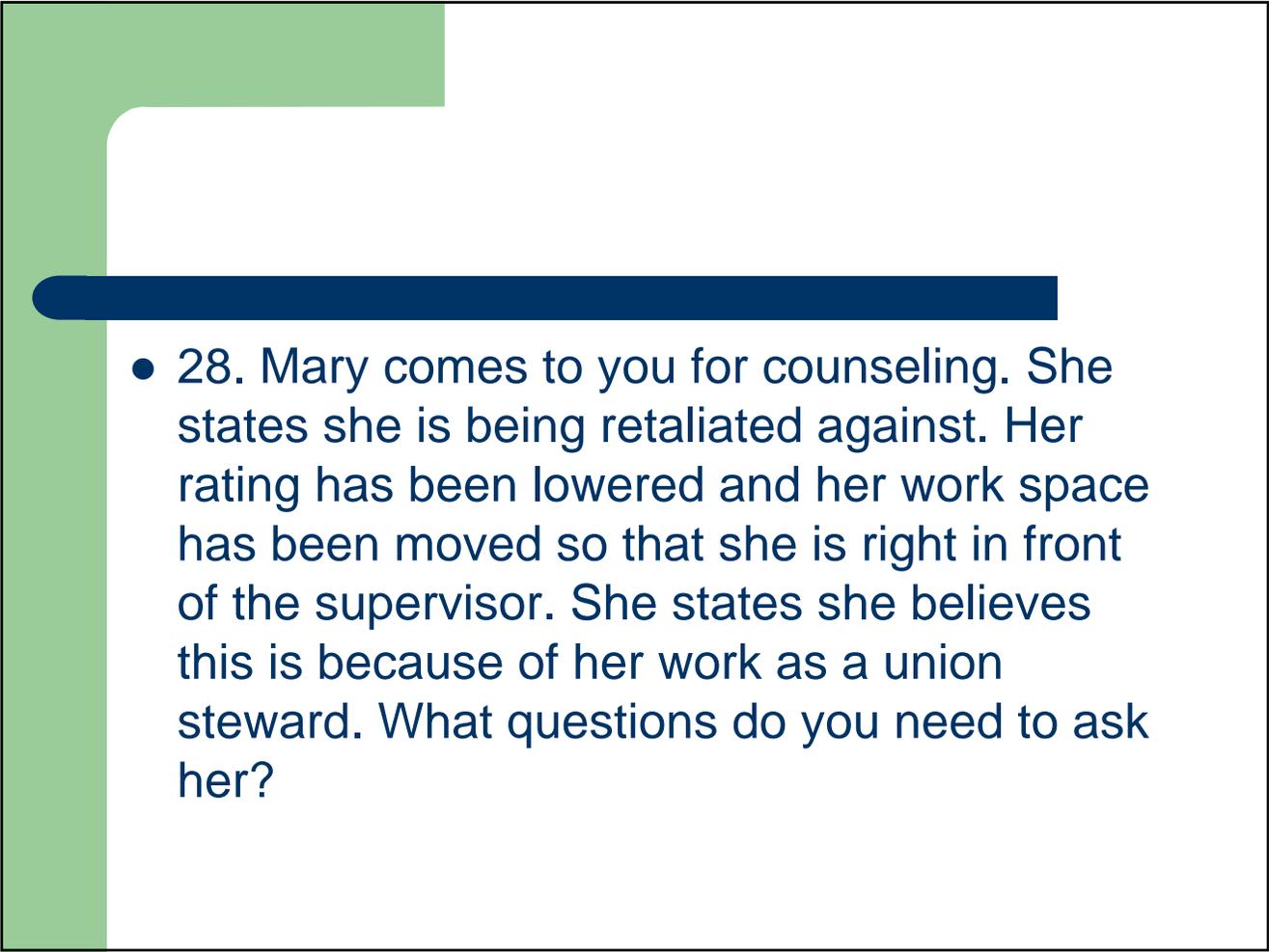
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- 23. Stan has a drinking problem. He came back from lunch smelling of alcohol and slurring his speech. While working that afternoon, he made a significant error in calculating the number of widgets the agency would need for the next few months. The supervisor caught the error. The supervisor has proposed discipline for Stan. What questions do you need to ask? What information do you need to give both parties?

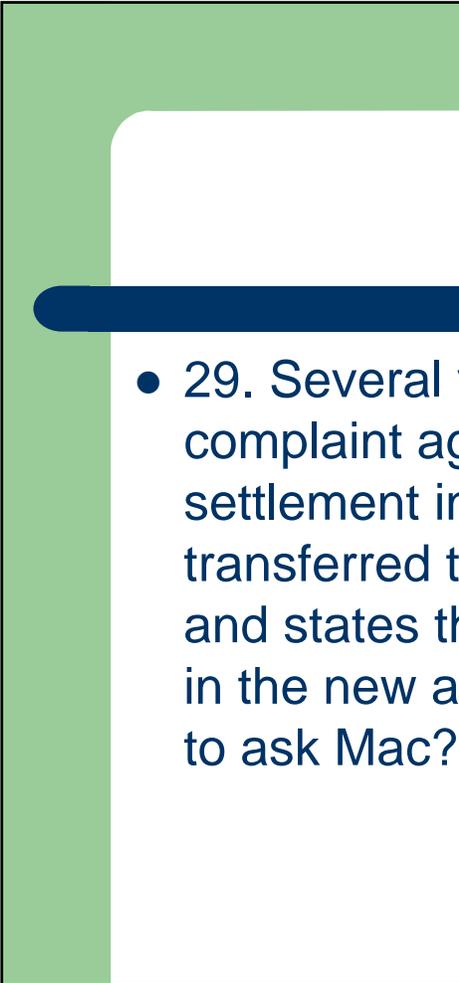
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- 24. Ellen suddenly gets up and punches her supervisor, Larry, in the jaw. She has previously filed an informal complaint that she feels she is being harassed and that she is under the care of a physician for depression. The agency has issued her a notice of termination. What types of allegations has she made?

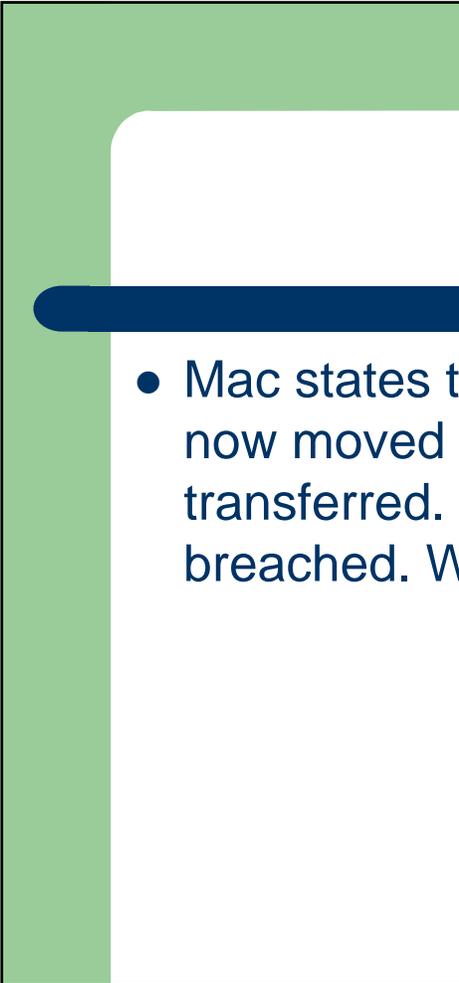
*Adams v. Alderman*, 723 F. Supp. 1531 (D.D.C. 1989)

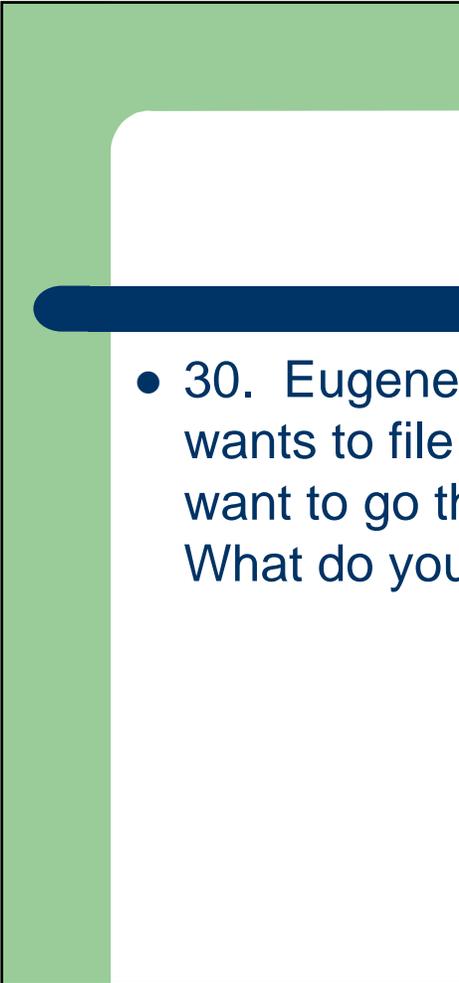
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- 25. Margo informs her supervisor that she needs help because she is being tardy. She states she has a medical condition which prevents her from arriving at work on time on occasions. Because of the nature of the condition, she does not know when the condition may cause her to be tardy. Margo now comes to you and states the agency has failed to accommodate her. Has Margo requested a reasonable accommodation? Can the agency request medical documentation? What information would that documentation need to include?

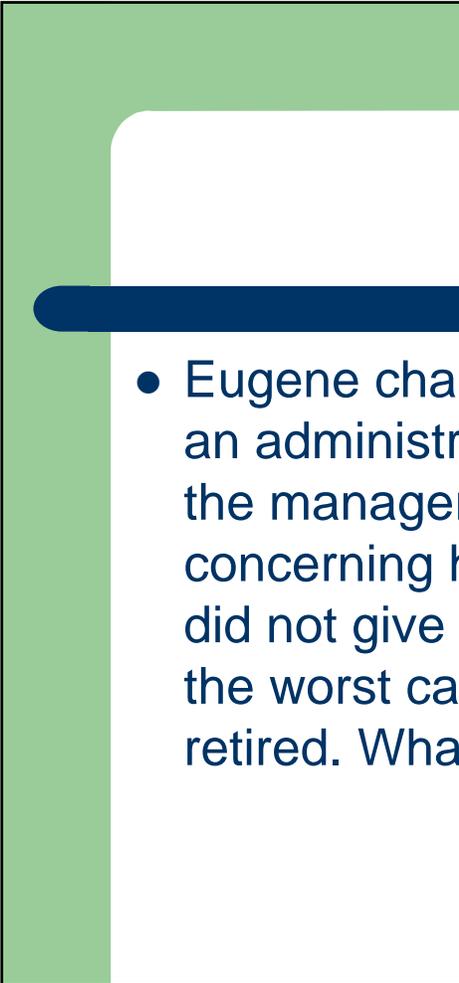
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- 26. Jenny was injured on the job. Workers Compensation required the agency to provide her work during her compensation period. This year Workers Compensation found her condition no longer was eligible for coverage. Jenny had been working answering phones, taking messages and compiling data on how often customers are dissatisfied with the agency's service. Although Workers Compensation no longer finds her eligible for benefits, the complainant's physician has provided evidence that she still has limitations due to an off the job condition. Jenny asks for a reasonable accommodation of being left in the duties she has been performing while on Workers Compensation. If she can not remain in that job, she requests reassignment to another job. What are the issues in this case?

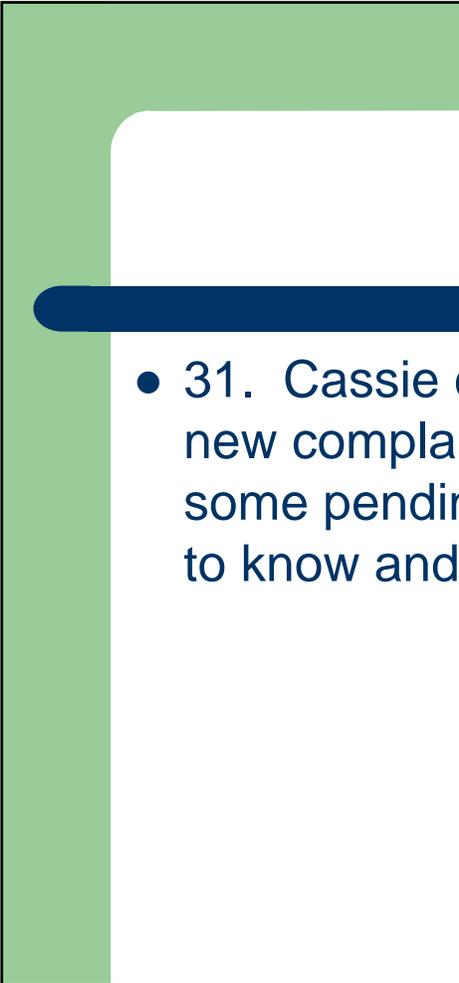
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- 28. Mary comes to you for counseling. She states she is being retaliated against. Her rating has been lowered and her work space has been moved so that she is right in front of the supervisor. She states she believes this is because of her work as a union steward. What questions do you need to ask her?

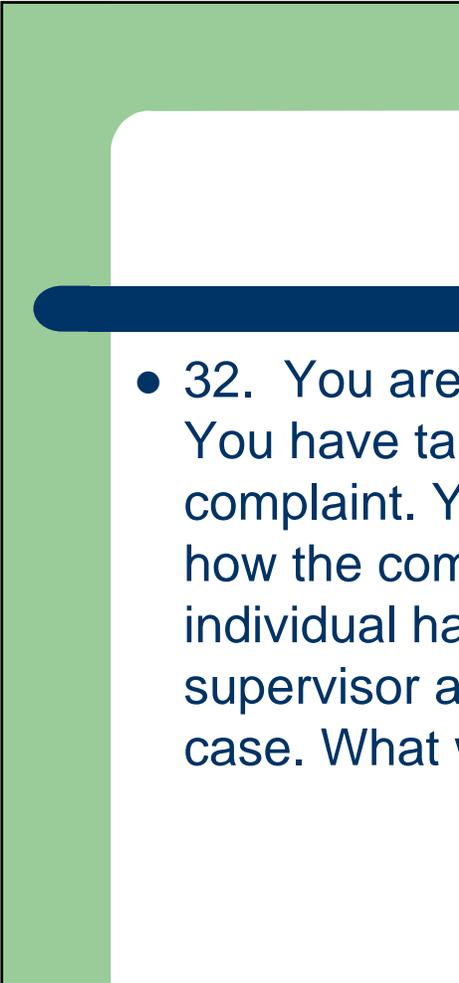
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- 29. Several years ago Mac filed an EEO complaint against the agency. Part of his settlement in ADR was that he would be transferred to another area. He comes to you and states that he is being retaliated against in the new area. What questions do you need to ask Mac?

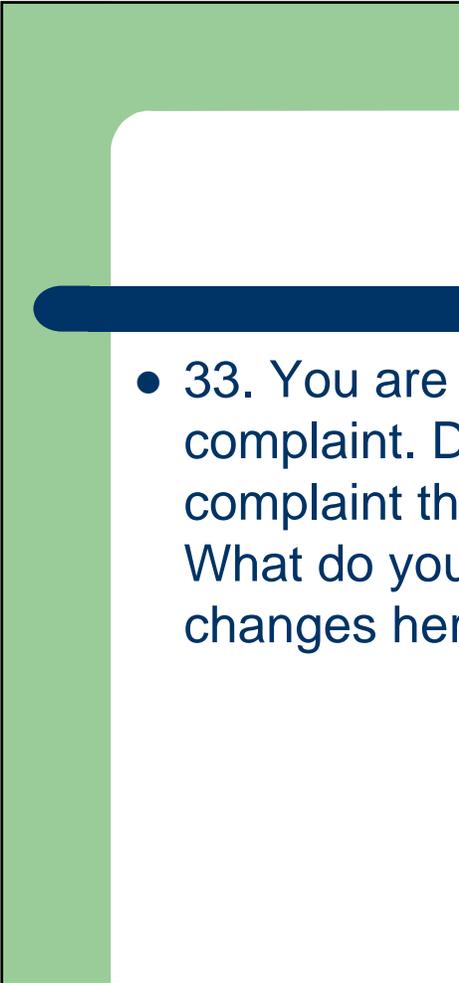
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- Mac states that his former supervisor has now moved into the unit where he was transferred. He believes his settlement was breached. What do you do?

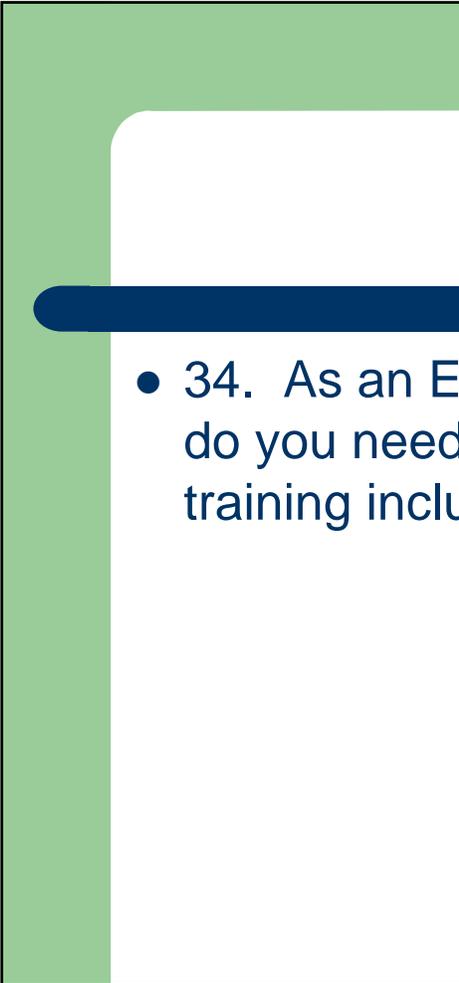
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- 30. Eugene comes to you and tells you he wants to file an age complaint but does not want to go through administrative process. What do you tell him?

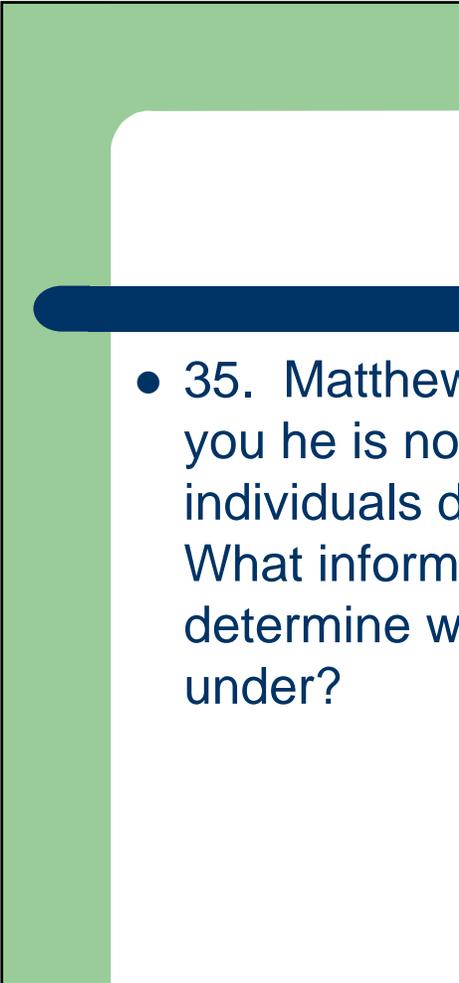
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- Eugene changes his mind and decides to file an administrative charge. He explains that the manager made continuous remarks concerning his age, lowered his evaluation, did not give him acting positions, gave him the worst cases to do and as a result, he retired. What issues have been raised?

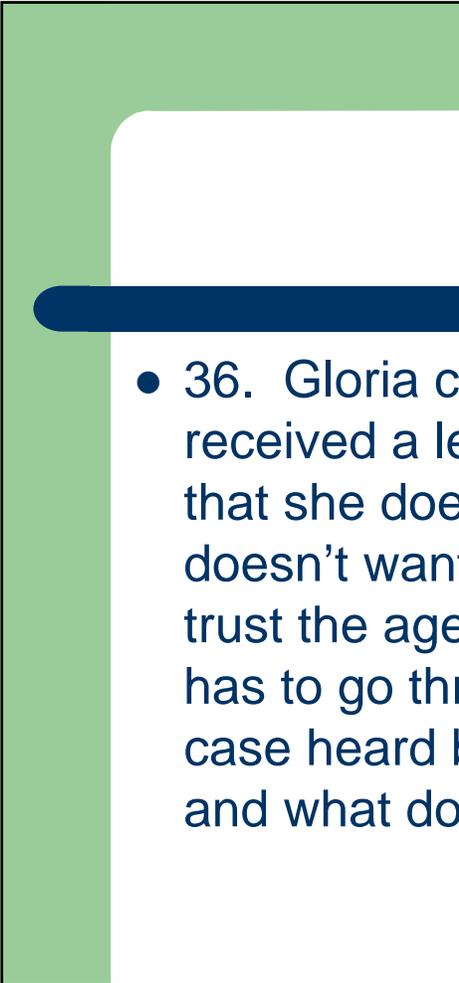
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- 31. Cassie comes to you and wants to file a new complaint. You are aware that she has some pending complaints. What do you need to know and what do you need to do?

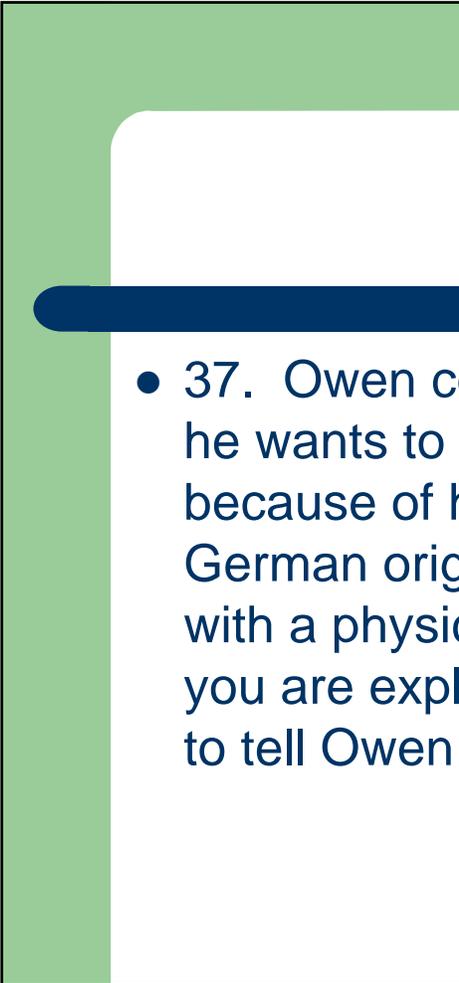
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- 32. You are the counselor in a complaint. You have talked to the people involved in the complaint. You have a really good idea about how the complaint could be settled, but the individual has elected ADR. You go to your supervisor and ask to be the mediator on the case. What will be his/her answer and why?

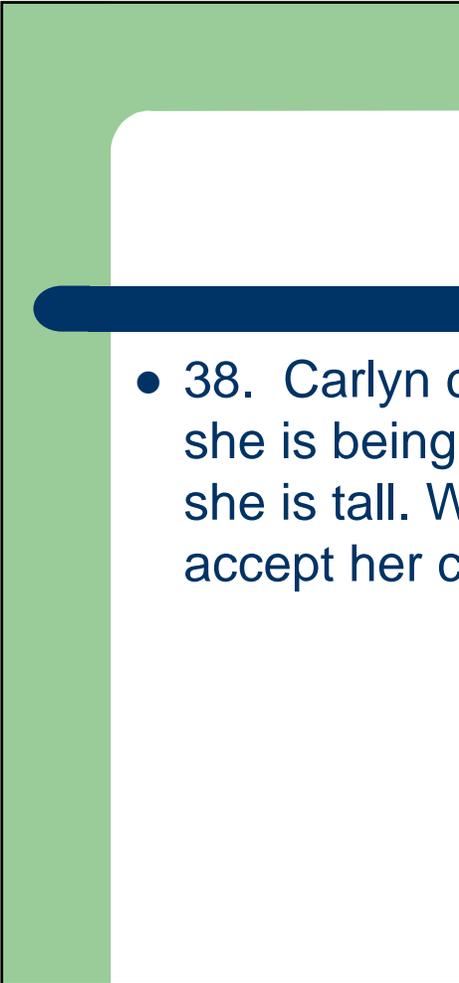
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- 33. You are the counselor on Marty's complaint. During your attempt to resolve the complaint the parties come to a settlement. What do you have to do? What if Marty changes her mind?

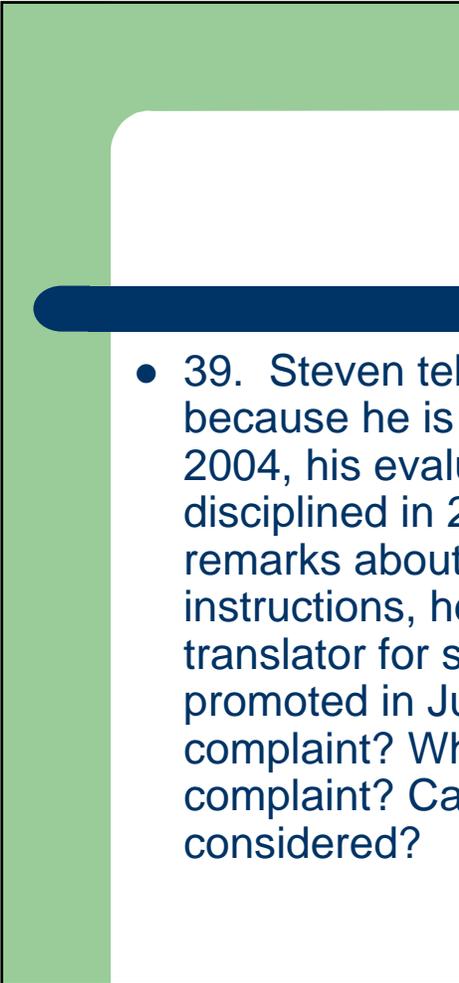
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- 34. As an EEO Counselor how much training do you need to have yearly? What should the training include?

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- 35. Matthew comes into your office and tells you he is not being paid the same as other individuals doing the same type of work. What information do you need to obtain to determine which laws Matthew may file under?

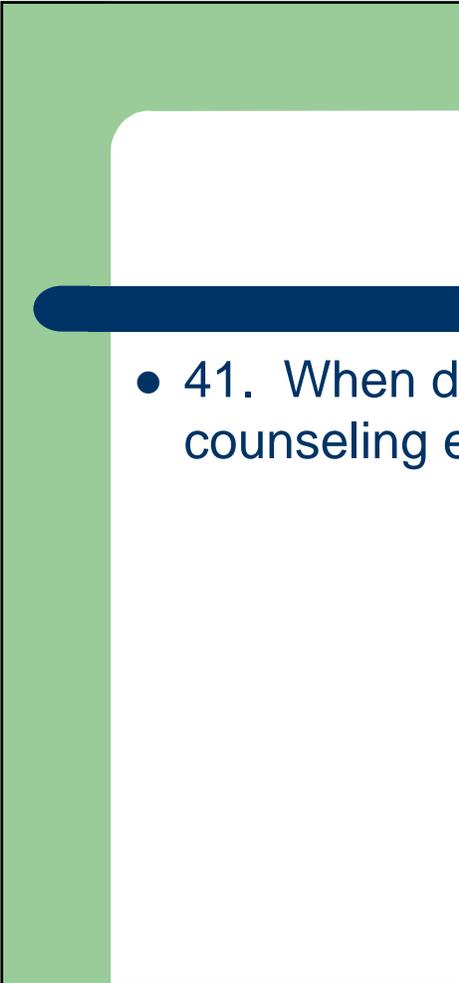
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- 36. Gloria comes into your office. She has received a letter of termination. She states that she doesn't trust the union so she doesn't want to file a grievance. She doesn't trust the agency either, but she knows she has to go through certain steps to get her case heard by a judge. What are the issues and what do you tell Gloria?

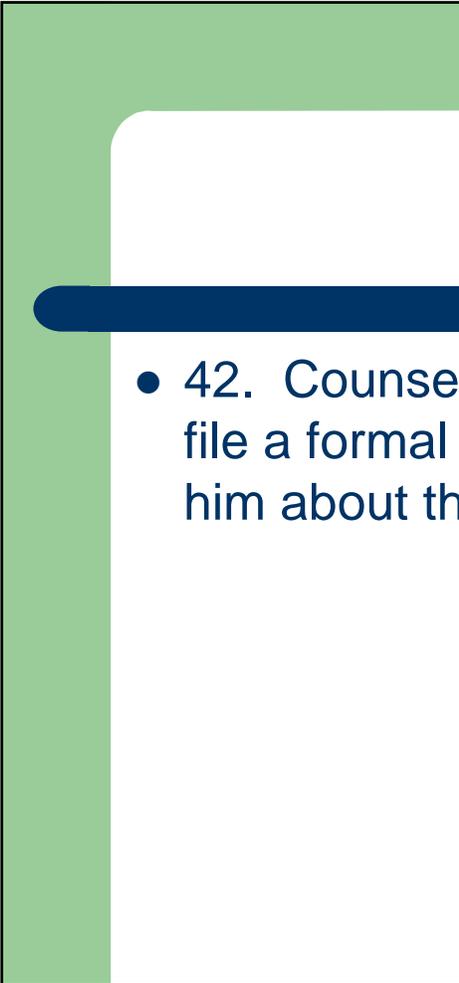
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- 37. Owen comes into your office and states he wants to file a discrimination claim because of he is an old, white, male, of German origin who is a Jewish Protestant with a physical and mental disability. When you are explaining the law, what do you need to tell Owen about his bases?

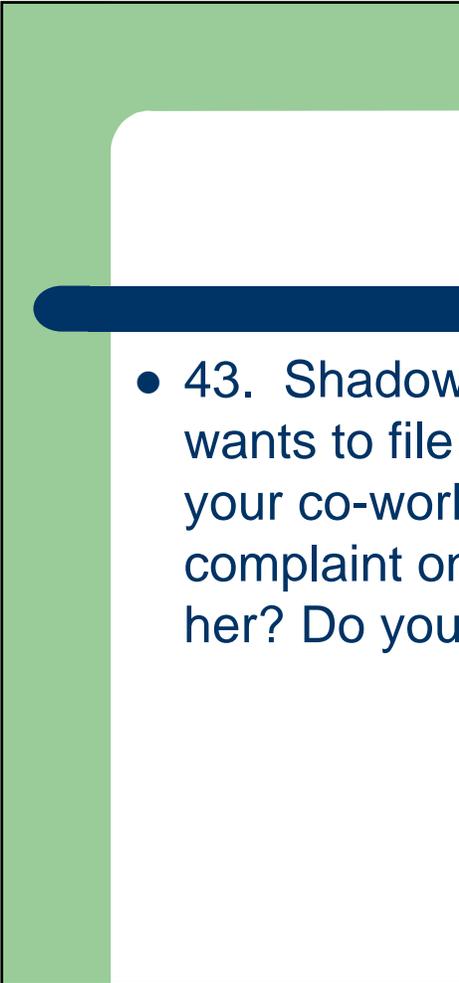
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- 38. Carlyn comes to your office and says she is being discriminated against because she is tall. What do you tell her? Do you accept her charge?

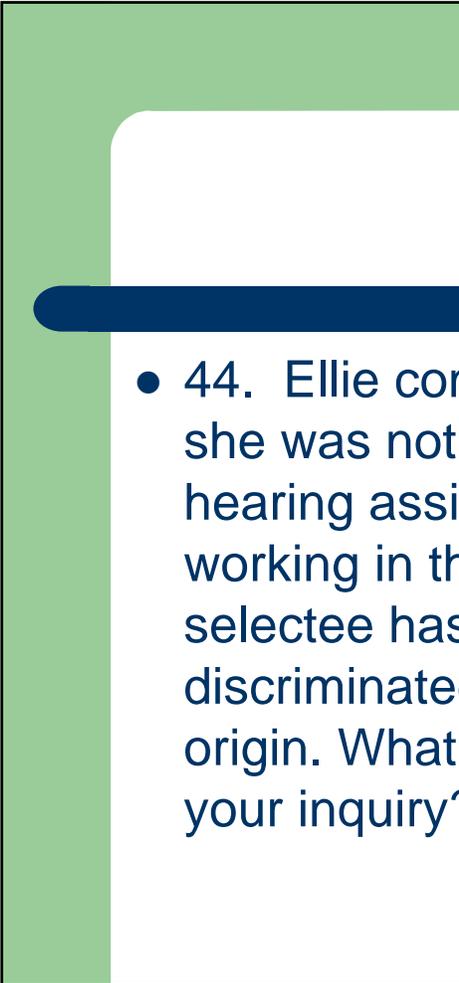
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- 39. Steven tells you he was discriminated against because he is deaf. He was denied a promotion in 2004, his evaluation was lowered in 2006, he was disciplined in 2006, his supervisor has made remarks about him pretending not to hear instructions, he has not been provided with a translator for staff meetings and he was not promoted in June 2009. What is the basis of his complaint? What issues have been raised in this complaint? Can all the events he has listed to considered?

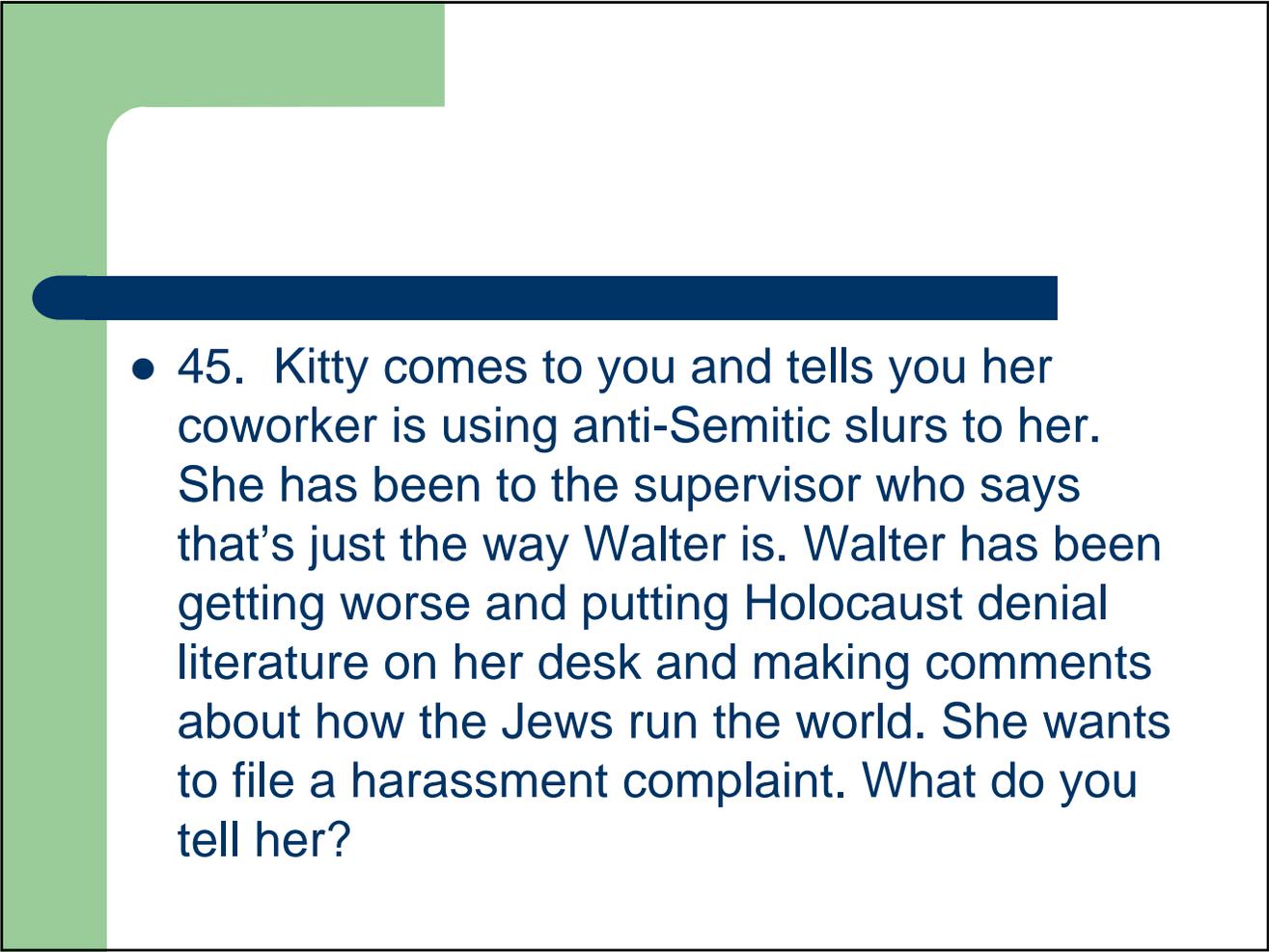
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- 40. Ray finds a noose hanging in the men's room. He comes to you and wants to file a harassment complaint. What do you tell him?

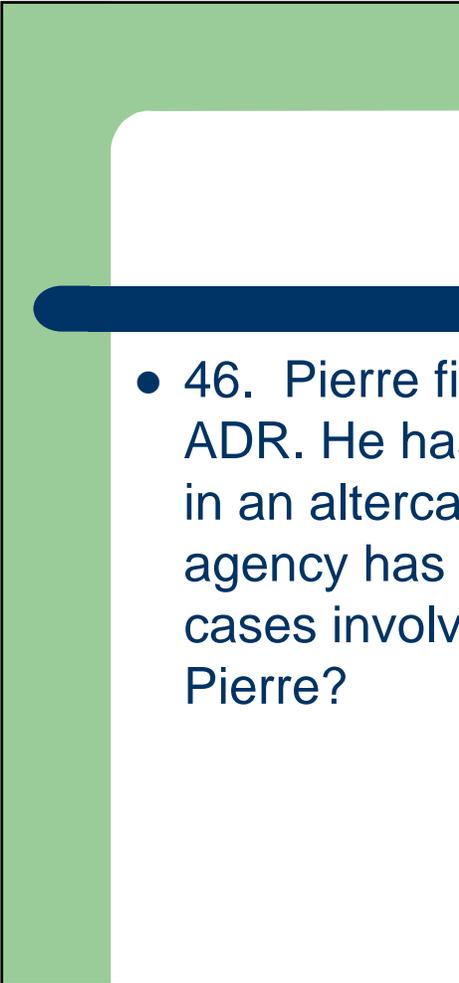
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- 41. When does the 30 day time limit for EEO counseling end?

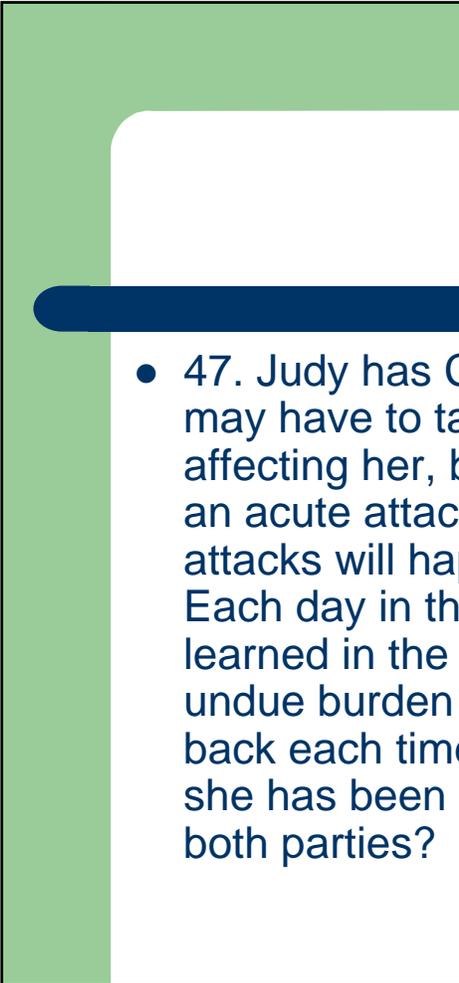
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- 42. Counseling is ended and Bill wants to file a formal complaint. What must you tell him about the formal complaint?

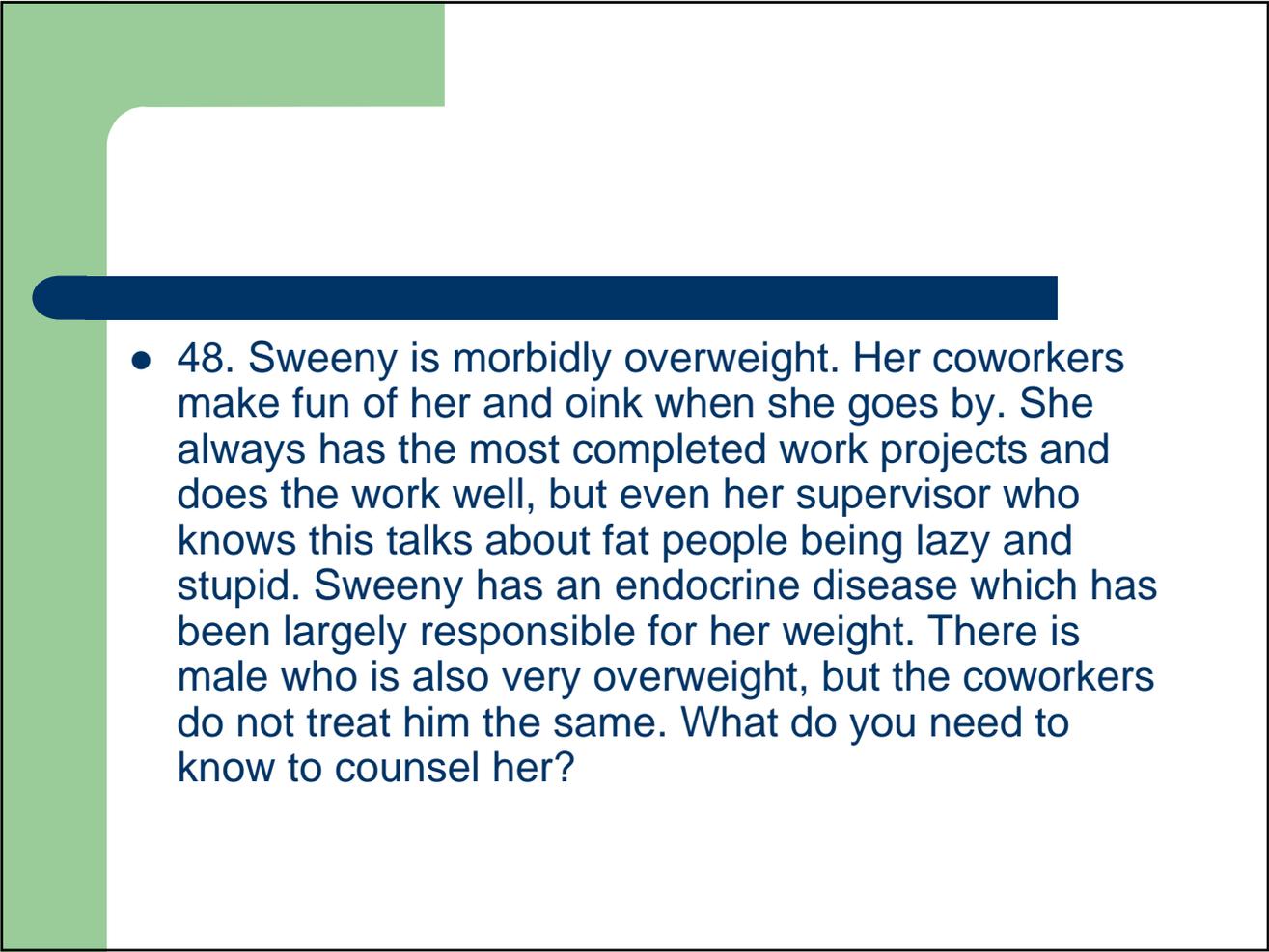
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- 43. Shadow comes into your office and wants to file an EEO complaint about how your co-worker Elaine handled her informal complaint on a prior EEO. What do you tell her? Do you take her complaint?

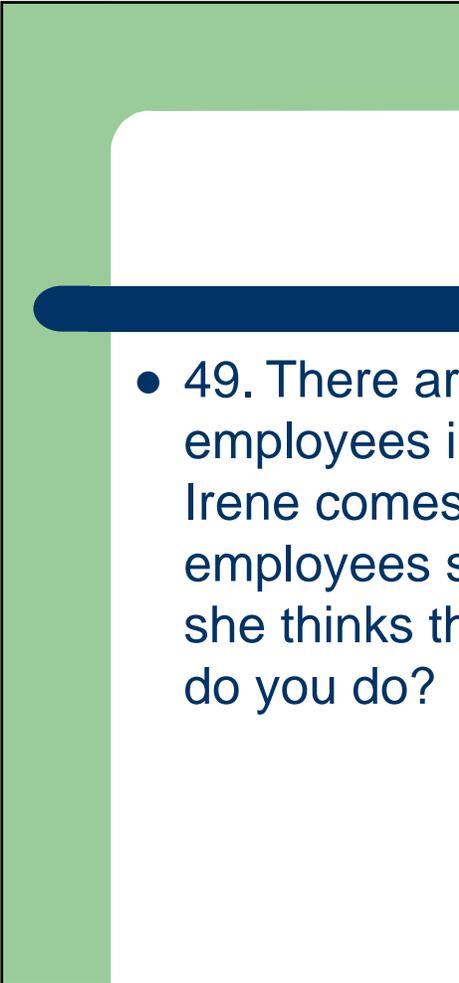
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- 44. Ellie comes to your office and says that she was not selected for the position of hearing assistant even though she has been working in the job for the last year and the selectee has not. She believes she was discriminated against because of her national origin. What documents should you obtain in your inquiry?

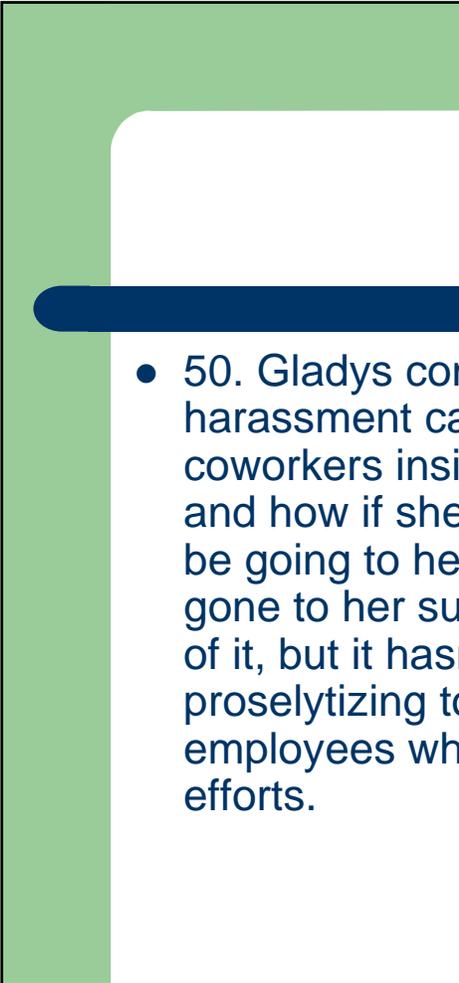
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- 45. Kitty comes to you and tells you her coworker is using anti-Semitic slurs to her. She has been to the supervisor who says that's just the way Walter is. Walter has been getting worse and putting Holocaust denial literature on her desk and making comments about how the Jews run the world. She wants to file a harassment complaint. What do you tell her?

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- 46. Pierre files a complaint and asks for ADR. He has been terminated for engaging in an altercation with a co-worker. Your agency has determined it will not mediate cases involving misconduct. What do you tell Pierre?

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- 47. Judy has Crohn's Disease. It is episodic. She may have to take leave even when it is only mildly affecting her, but she must take leave when she has an acute attack. She does not know when these attacks will happen. She is in a apprentice program. Each day in the program builds on the information learned in the last day. The agency believes it is an undue burden to have to hold the other apprentices back each time she needs remedial work because she has been out sick. What questions do you ask both parties?

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- 48. Sweeny is morbidly overweight. Her coworkers make fun of her and oink when she goes by. She always has the most completed work projects and does the work well, but even her supervisor who knows this talks about fat people being lazy and stupid. Sweeny has an endocrine disease which has been largely responsible for her weight. There is male who is also very overweight, but the coworkers do not treat him the same. What do you need to know to counsel her?

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- 49. There are a number of Hispanic employees in the accounting department. Irene comes to you because the Hispanic employees speak Spanish to each other and she thinks they are talking about her. What do you do?

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- 50. Gladys comes to you and wants to file a religious harassment case. She is an atheist. One of her coworkers insists on telling her about her religion and how if she doesn't become her religion she will be going to hell. This happens almost daily. She has gone to her supervisor who said he would take care of it, but it hasn't stopped. She just wants the proselytizing to stop. She thinks there are other employees who are also tired of the coworker's efforts.