

Which Lane Are You In?

Note: A * indicates that there is a mandatory reporting requirement for an individual to report allegations of harassment to the Anti-Harassment Coordinator. This mandatory reporting requirement is for Supervisors, Human Resources Staff, the EEO Program Manager, and EEO Counselors.

| | Assistance from Management | Employee Relations (ER) | Equal Employment Opportunity (EEO) Complaint Process | Anti-Harassment Coordination Process | Reasonable Accommodation | Grievance Process | Departmental Alternative Dispute Resolution (ADR) Process |
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| What is the purpose of this lane? | You can obtain assistance with a workplace issue that your manager has authority to address or can raise with higher level management or managers of other offices. | ER provides information about the options available to employees to address workplace issues, including informing employees of their rights and advising employees and managers of FHWA policies. | To provide relief from discrimination on the basis of race, color, national origin, age, disability, religion, genetic information, sex (including sexual orientation, gender identity, and pregnancy), or reprisal based on prior EEO activity. | To ensure prompt investigation of your allegations of harassment based on the broader definition provided by FHWA rather than the legal definition, and, if the allegations are substantiated, to take prompt and effective action to stop the harassment. | To provide modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. | A grievance challenges a specific management decision about your employment on a basis not covered by EEO and not specifically excluded by the grievance procedure. | To reach an interest-based, voluntary, mutually-agreed upon resolution of an employment matter. |
| What help or relief is available from this process? | Relief may include anything that is within management's authority and not precluded by policy or budget constraints. | You can receive information about FHWA policies, procedures, and employee benefits; information about the pros and cons of various methods of resolving workplace issues; information about your rights as an employee; and/or assistance facilitating discussions between the employee and management. | Relief is intended to "make you whole" for harm to you caused by discrimination or reprisal. This can include monetary relief, reversal of a manager's decision, discipline of a manager or co-worker, restored leave, or changes in your job or work assignment. | Prompt changes to the work environment that stop the harassment, including the possibility of temporary measures while an inquiry into the allegations is conducted. Possible discipline or other consequences (such as training) for the individual(s) responsible for the harassment. | Relief may include removal of workplace barriers so that an individual with a disability may be successful in the workplace or may participate in the agency's programs and activities. | A grievance may result in possible reversal of the management decision contested. | Relief must be agreed-upon and cannot be imposed, but parties can brainstorm as to their respective interests and try to come up with a solution that works for all. |
| How could my information be shared? | *Information you raise will be shared only with others who have a need to know to resolve the issue you raise; this may include other managers, witnesses, or an alleged harasser for purposes of conducting an inquiry. | * Information you raise will be shared with others who have a need to know to resolve the issue you raise; this may include your management and, if appropriate for purposes of inquiry, other witnesses or an alleged harasser. | * Information you raise will only be accessed by those who need to know. These individuals may vary, but at a minimum may include the employee's first or second line supervisor, the responsible management official, legal counsel as well as the EEO Program Manager. This process is confidential. Individuals that participate in this process have a right to anonymity at the informal (initial) stage, unless allegations of harassment have been raised. In these instances, the Anti-Harassment Coordinator will be contacted and informed of the allegations. | Information you raise will only be accessed by those who need to know. The process is confidential to the extent consistent with conducting an inquiry of the facts, but is not anonymous. Inquiries may involve co-workers and the alleged harasser being questioned about their knowledge of what occurred. Your management chain will be informed. | Information you raise will only be accessed by those who need to know. These individuals may be the employee's first or second line supervisor, the FHWA Disability Program Manager, an Employee Relations Specialist, and legal counsel. This process is confidential. | * Information you raise will be shared with others who have a need to know or who may have relevant information so that the deciding official can make a determination regarding the issue you raise. | * Information you raise will be shared with others who have a need to know in order to resolve the issue you raise. This process is confidential but not anonymous. |
| Is there a deadline to seek assistance? | No. | No. However certain options ER may offer you, such as filing a grievance or EEO complaint, do have deadlines. | Yes. You must contact an EEO counselor within 45 calendar days of the alleged discriminatory event or within 45 calendar days of learning of the alleged discriminatory event. | No. | No. | Yes. You must file your grievance within 15 calendar days of the date of occurrence of the act being challenged, or within 15 calendar days of the date on which the employee could have been reasonably expected to have first become aware of its occurrence. | No. |
| How long does the process take? | Responses from management may be immediate or may take up to a few months for a decision on a more complicated matter. | Responses to questions usually are answered within a few days. Facilitated discussions may occur over a period of a month or two. | EEO counseling can conclude within 30-90 calendar days. Cases may be resolved during the informal process (usually within 60 calendar days), or may become formal, in which case resolution can take from 8 months to five years, depending on the case and whether the employee chooses to seek a Final Agency Decision or to litigate the case. | Within 15 business days of receipt of the notice, the Decision-Maker indicates whether some or all of the allegations are substantiated, and, if any allegations are substantiated, the plan for relief and proposed consequences. Extensions to this time frame may occur in certain situations. | The reasonable accommodation process timeframe is 25 business days. Longer processing times may occur if there is a need for ordering equipment or services that are not readily available or if the process is delayed by the employee not providing timely medical documentation if requested. | Normally, the final decision on the grievance is issued within 90 calendar days of the filing of the grievance. | No set amount of time. |
| Who is helping you? | Initially, you should seek assistance from your team leader or supervisor, unless these individuals are the alleged harasser(s), in which case you may bring this issue to the next higher individual in your chain of command. Ultimately, various individuals in your chain of command may be involved in providing assistance, in coordination with others in FHWA whose assistance or authority is needed. | An ER professional will assist you. | A collateral duty EEO counselor who has completed the required training. | The Anti-Harassment Coordinator will conduct the intake process for allegations and will notify the Aggrieved Person whether the allegation is accepted. If accepted, in most cases, the matter will move forward for inquiry to be conducted by a neutral fact finder and then a decision by a manager in the chain of command of the alleged harasser in coordination with HR. | Employees are encouraged to communicate with their first line supervisor when there is a need for accommodation. The employees may also reach out to the FHWA Disability Program Manager for assistance. | A grievance is brought to the manager who made the decision. An appeal of an initial grievance decision is brought to the next senior person in the chain of command. | Trained ADR facilitators who work in or with the OST ADR program. |
| Contacts: | Talk to your manager. | ER Team Lead: Lacy Muir Lacy.Muir@dot.gov or ERAssist@dot.gov (202) 366-1955 | EEO Program Manager: Nikisha Bennett Nikisha.Bennett@dot.gov (202) 366-3894 | Anti-Harassment & Equity Coordinator: Anita Heard Anita.Heard@dot.gov (202) 366-1607 | Disability Program Manager(s): Elizabeth Kraszewski (202) 366-1585 or Kirsten Poston (202)366-9120 FHWA-RAassist@dot.gov | ER Team Lead: Lacy Muir Lacy.Muir@dot.gov or ERAssist@dot.gov (202) 366-1955 | Director: Fern Kaufman, Fern.Kaufman@dot.gov (202) 366-8067 |