



SOCIAL SECURITY

MAR 01 2001

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. Paul E. Coffey
AFGE Local 2505
P.O. Box 700061
Oklahoma City, OK 73107

01-0194-SSA
DOF: 01-23-01

Dear Mr. Coffey:

The Social Security Administration (SSA) has accepted the above-referenced complaint of discrimination filed by Ms. ██████████, whom you represent. The complaint was officially filed January 23, 2001.

The complainant claims that based on her color, she has been subjected to ongoing harassment (non-sexual). The following are some examples.

- a. In February 1999, when she returned to work after having major surgery, management put her work on review.
- b. Management affords other Claims Representatives in her section 1 ¼ hour per interview, but insists that she conduct her interviews in one (1) hour.
- c. On July 14, 2000, management charged her with 30 minutes of leave because she was 20 minutes late for a training session.
- d. Management will not approve a hardship transfer to Pine Bluff, Arkansas.

Please be advised that the above claim will be investigated and the complaint will be processed pursuant to the provisions of Title 29 of the Code of Federal Regulations (CFR), Part 1614. The Investigator assigned to the complaint will notify you and the complainant before the investigation begins. The complainant must cooperate with the Investigator. Her failure to cooperate may result in the complaint being dismissed, pursuant to 29 CFR § 1614.107(a)(7). The enclosed notice provides important information concerning the investigation of the complaint. Please read this notice carefully.

Equal Employment Opportunity Commission (EEOC) regulation 29 CFR § 1614.106(d) provides for additional claims (amendments) of discrimination. Therefore, if the complainant experiences an incident which she believes is discriminatory and the incident is like or related to the claim we have accepted, the complainant should immediately notify the Director, OCREO

(P.O. Box 47698, Baltimore, Maryland, 21244-7698), in writing, if she wishes to include the like or related incident in this complaint. If the complainant wants to file a complaint regarding a new incident which is not like or related to the claim identified in the current complaint, she must seek counseling within 45 days of the date of the incident.

If you and the complainant do not receive a copy of the investigative file and Notice of Rights within **180 days** from the date the complaint was filed, the complainant has the right to request a hearing and decision from an administrative judge (AJ) of the EEOC or the right to file a civil action in the appropriate United States District Court. Within **30 days** of receipt of the investigative file, a complainant has the right to request a hearing and decision from an AJ of the EEOC or a final agency decision by SSA. The EEOC District Office to which the complainant may send a request for a hearing is:

EEOC Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202-4726

If a complaint is amended to include a claim that is like or related to an accepted claim, the **180-day** deadline is adjusted so that the investigative file must be received within the earlier of 180 days after the last amendment to the complaint or **360 days** after the filing of the original complaint.

We have notified the appropriate offices and responsible management officials to preserve all existing records pertaining to the complaint.

The complainant may withdraw the complaint at any time during the complaint process by notifying OCREO in writing. If you or the complainant have any questions or concerns regarding the claim identified, please contact Mr. Charles L. Lamoreaux, Intake and Investigations Team, at (410) 966-5755, **within 10 days** of receipt of this letter. If you do not contact us within the prescribed time, we will conclude that the claim has been properly identified.

Sincerely,

Mark A. Anderson
Director, Office of Civil Rights
and Equal Opportunity

Enclosure

cc:
Emerson Lattimore

NOTICE TO COMPLAINANTS REGARDING COMPLAINT INVESTIGATIONS

An Investigator will be assigned to conduct an investigation of your complaint(s). The Investigator will contact you to obtain a statement of your claim(s) and legible copies of any pertinent documents which you possess. You should have these materials ready. Moreover, if there are persons who can provide relevant information concerning your claim(s), you should have available their full name, position, office location and telephone number, as well as a summary of the information which they could be expected to provide. The Investigator will determine which interviews and documentation are necessary; unduly repetitious or immaterial testimony and/or documentary information will not be obtained.

Although your disclosure of information is voluntary, your failure to disclose requested information may result in the complaint(s) being dismissed for noncooperation. While you may delegate to a representative the authority to act on your behalf, it is your responsibility to prosecute the complaint(s) in a timely manner. Further, a representative's failure to prosecute the complaint(s) will not excuse you from your obligation to prosecute the complaint in a diligent manner.

It is your obligation to keep the Office of Civil Rights and Equal Opportunity (OCREO) informed of your current mailing address and telephone number to be used for contact during the complaint process. Also, you must notify OCREO, in writing, if you designate a representative or attorney, or change a designated representative/attorney. Failure to keep OCREO so informed may cause a delay in processing the complaint(s) and may, where appropriate, lead to dismissal of the complaint(s). Failure to do so may result in a denial of fees or costs to which an attorney might otherwise be entitled.

The Investigator may obtain testimony under oath or affirmation without a pledge of confidentiality; or, a written statement may be obtained under penalty of perjury. You have the right to be represented during your testimony; however, your designated representative may neither direct the course of the investigation, nor be present during the interviews of other witnesses during the course of the investigation.

The following information is furnished pursuant to the Privacy Act of 1974:

The authority to collect the information derived from one or more of the following: 42 USC 2000e ff; 29 USC 621 ff; 29 USC 791 ff; 29 CFR Part 1614; 5 CFR 5.2; and EO 11478 as amended by EO 12106.

The equal employment opportunity discrimination complaint is neither anonymous nor confidential. The information you provide as well as information developed by investigation will be used to resolve or make a decision on your complaint. The information is available to any person having a need to know its contents and may be used for program analysis, review, evaluation and statistics. However, should there be a need to disclose information from the complaint file for reasons other than those cited above, or as stated in the Privacy Act, 5 USC 552a(b), and in the routine uses published in the Federal Register, Vol. 47, No. 198, October 13, 1982 (pages 45743-45772), your prior consent will be solicited.

Upon completion of the investigation, the EEO office will furnish you with a copy of the investigative file (IF) which will contain an investigative summary. Based on the information developed during the investigation, an effort may be made to resolve your complaint(s). If resolution of the complaint(s) is reached, the terms of the settlement agreement will be put in writing and you will be provided a copy. If the complaint is not settled/resolved, you will have 30 days, after your receipt of the IF, to request a final agency decision with or without a hearing. The hearing, if requested, will be conducted by the Equal Employment Opportunity Commission. At each stage of the administrative processing of the complaint(s), you will be notified of all applicable appeal rights to which you are entitled.

If your complaint is based on age discrimination and you decide to pursue the complaint in a United States District Court, please notify OCREO, in writing.

November 1999