

## Equal Employment Opportunity

### Section I. General

- A. In accordance with applicable law and Merit System Principles, the Agency will treat employees fairly regardless of the employee's race, color, religion, national origin, sex, gender identity, gender expression, sexual orientation, age, Union affiliation, lawful political affiliation, marital status, or qualifying handicapping condition. No employee will be discriminated against on the basis of a legally protected class. Both Parties support the realization of a representative workforce within the unit at all levels.
- B. The Parties hereby affirm their support of affirmative action.
- C. Employees are encouraged to discuss EEO allegations with an EEO counselor. Discussions between an employee and an EEO Counselor do not preclude an employee from opting to select the negotiated grievance procedure.

### Section II. Agency Committees or Councils

- A. When the Agency, at the local level utilizes an EEO committee or council, the Union will be given the opportunity to have at least one representative participate as a committee member on matters affecting unit employees.
- B. The Union will designate an authorized representative for the Agency to deal with on all EEO matters which are beyond local scope and impact.

### Section III. Counselors

- A. The Union may submit the names of bargaining unit employees who are interested in serving as EEO counselors to the appropriate management official. Upon request, the Union will be kept apprised of the current list of EEO Counselors. This list may be requested bi-annually.
- B. Employees who meet the criteria for an EEO Counselor and are selected by the Agency will receive appropriate training in accordance with the applicable policies and regulations.

- C. No Union representative who handles employee representation functions for the union may serve as an EEO Counselor nor may an EEO Counselor serve in a representative capacity for any employee.

#### Section IV. EEO Complaints

- A. A bargaining unit employee may file either an EEO complaint or a grievance under the Negotiated Grievance Procedure, but not both. An employee filing a formal EEO complaint under the Agency's procedure is entitled to a representative of personal choice subject to Agency policies and regulations. An employee filing a grievance under the Negotiated Grievance Procedure may be represented only by an authorized Union representative.
- B. An employee shall be deemed to have exercised their option in filing an EEO complaint at such time as the employee timely initiates a formal written EEO complaint/notice of appeal under the statutory procedures or timely files a step 1 grievance in accordance with the Grievance Article.

#### Section V. Statistics

The Agency will publish the Agency's MD-715 report and No Fear Act data report. Annually, the Agency will provide the Union a copy of the MD-715 report and a briefing explaining the report. To the extent the OCR state of EEO presentation includes local data/information, OCR will share this as part of this briefing to the Union.

FOR THE AGENCY

FOR THE UNION

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