

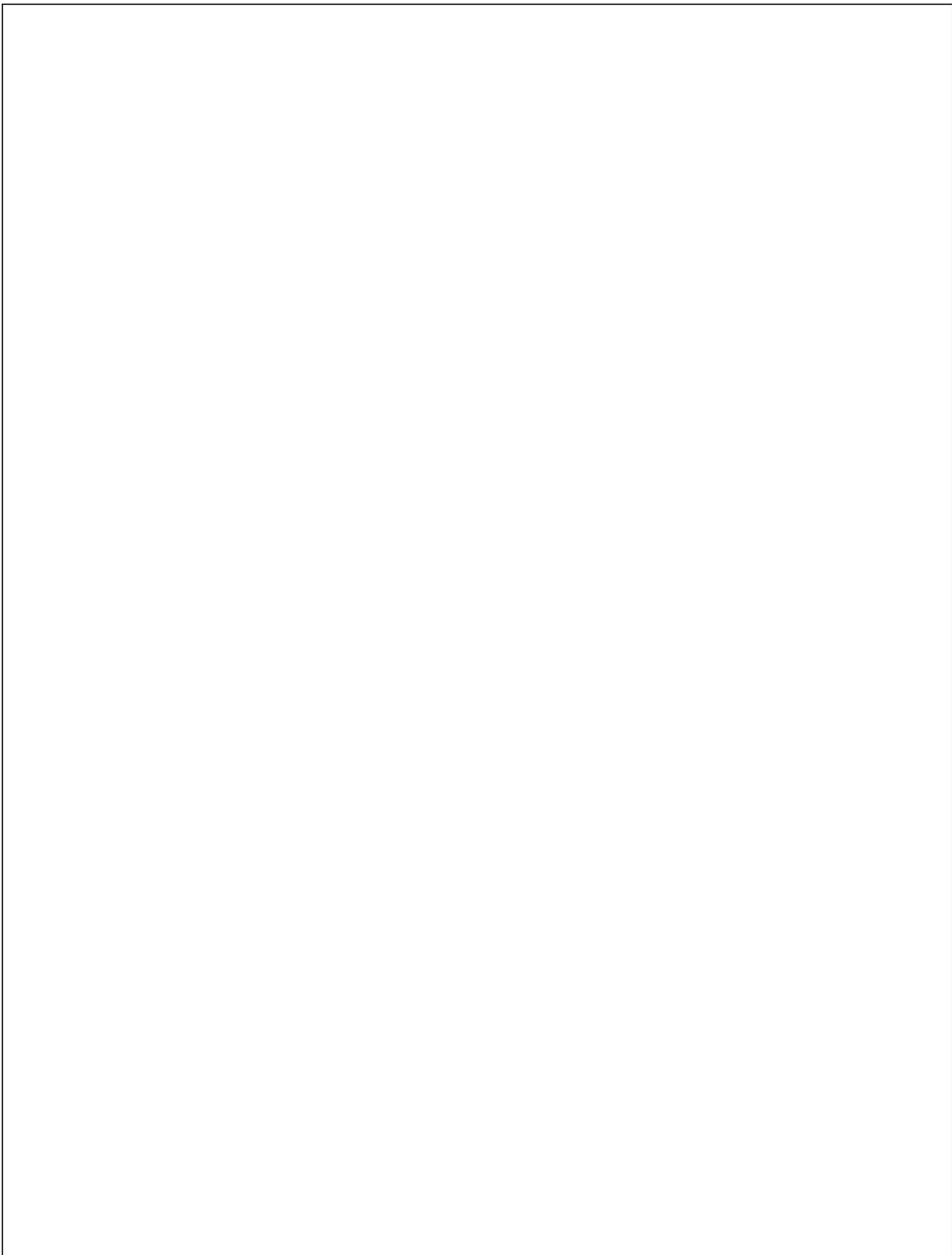
UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



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New EEO Investigator
32 HOUR COURSE REQUIREMENT

Case File Materials
2020



Complaint File
Santiago v. BCCR

MIGUEL SANTIAGO)
)
)
 Complainant)
)
)
)
)
) AGENCY CASE NO. EEO-00-9
 VALERIE SIMON)
 Director,)
 Bureau of Civil Compliance & Regulation)
 2518 Grover Cleveland Parkway)
 Alexandria, VA 22399)
)
 Agency)

REPORT OF INVESTIGATION

Case Index
Santiago v. BCCR

CASE INDEX

Miguel Santiago v. BCCR

EEO Complaint No. EEO-00-9

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SECTION 1

**FORMAL COMPLAINT
AND DOCUMENTS SUBMITTED BY
COMPLAINANT**

SECTION 1a
FORMAL COMPLAINT

Bureau of Civil Compliance and Regulation Formal EEO Complaint		AGENCY COMPLAINT No. EEO-00-9
<i>Instructions: Please type or print. You must complete all information requested on this form, sign it, and return it to the EEO Office at BCCR. Failure to comply with these instructions may result in dismissal of the complaint. 29 C.F.R. § 1614.107(a)(2). The information provided on this form is protected by the Privacy Act of 1974.</i>		
NAME: Miguel Santiago	TELEPHONE NUMBER:	
ADDRESS: 41009 Winding Way Road Running Park, VA 22877	(DAY) (703) 366-5222 (EVENING) (703) 899-0103	
CURRENT POSITION: Budget Analyst		
ALLEGATION OF DISCRIMINATION - Describe your claim in specific detail. I was denied a promotion to Senior Budget Analyst, GS-14, by Dennis Hatcher, because he hates Hispanics.		
BASIS OF DISCRIMINATION:		
1) [] Race (Specify) _____		
2) [] Color (Specify) _____		
3) [X] National Origin (Specify) <u>Hispanic</u>		
4) [] Sex (Specify) _____		
5) [] Age (Date of Birth) _____		
6) [] Mental Disability (Specify) _____		
7) [] Physical Disability (Specify) _____		
8) [] Religion (Specify) _____		
9) [] Retaliation (Identify earlier event and/or opposed practice. Give date.) _____		
10) [] Genetic Information (Specify) _____		
NAME/TITLE OF INDIVIDUAL(S) RESPONSIBLE FOR ALLEGED DISCRIMINATION: _____ Dennis Hatcher, Director, Office of Budget		
DATE(S) OF ALLEGED DISCRIMINATION: <u>May 25, 2017</u>		
HAVE YOU CONTACTED AN EEO COUNSELOR? [X] YES [] NO		
DATE OF CONTACT: <u>June 15, 2017</u> NAME OF COUNSELOR: <u>Lola Fisher</u>		
HAVE YOU FILED: check all that apply		
[] a grievance under the Collective Bargaining Agreement		
[] an appeal to the Merit System Protection Board		
[] a civil action in United State District Court		
<i>I declare under penalty of perjury that the information I have provided on this form is true. I understand that a false statement may render me subject to civil and criminal penalties in accordance with the law.</i>		
		<u>July 17, 2017</u>
Signature		Date
This form is for official use only. This form may be reproduced.		

SECTION 2

**EEO COUNSELOR'S REPORT
AND DOCUMENTS GENERATED DURING
COUNSELING**

SECTION 2a
EEO COUNSELOR'S REPORT

**BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
EEO COUNSELOR'S REPORT
29 C.F.R. § 1614.105**

I. REQUIRED ELEMENTS

A. AGGRIEVED INDIVIDUAL

Name: **Miguel Santiago**

Agency Case No.: **EEO-00-9**

Job Title/Series/Grade: **Budget Analyst, GS-0560-13/3**

Place of Employment: **Office of Budget
Bureau of Civil Compliance & Regulation
MD - OB - 17
2518 Grover Cleveland Parkway
Alexandria, VA 22399**

Work Phone No: **703-366-5222**

Home Phone No: **703-899-0103**

Home Address: **41009 Winding Way Road
Running Park, VA 22877**

B. CHRONOLOGY OF EEO COUNSELING

Date of Initial Contact: **June 15, 2017**

Date of Initial Interview: **June 19, 2017**

Date of Alleged Discriminatory Event: **May 25, 2017**

45th Day After Event: **N/A**

Reason for delayed contact beyond 45 days, if applicable: **N/A**

Date Counseling Report Requested: **July 18, 2017**

Date Counseling Report Submitted: **July 28, 2017**

C. BASIS(ES) FOR ALLEGED DISCRIMINATION

- 1) [] Race (Specify)_
- 2) [] Color (Specify)_
- 3) [X] National Origin (Specify) Hispanic_____
- 4) [] Sex (Specify) _
- 5) [] Age (Date of Birth)_
- 6) [] Mental Disability (Specify)_
- 7) [] Physical Disability (Specify)_
- 8) [] Religion (Specify)_

- 9) [] Retaliation (Identify earlier event and/or opposed practice, give date) _____

D. PRECISE DESCRIPTION OF THE ISSUE(S) COUNSELED

Mr. Santiago believes that he was not selected for a promotion to Supervisory Budget Analyst, GS-0560-14/15 because of his national origin, Hispanic.

E. REMEDY REQUESTED

Promotion and retroactive back pay; letter of apology from selecting official; no retaliation for filing an EEO complaint; better affirmative action for Hispanics in high grades.

F. EEO COUNSELOR'S CHECKLIST - THE COUNSELOR ADVISED THE AGGRIEVED PERSON IN WRITING OF THE RIGHTS AND RESPONSIBILITIES CONTAINED IN THE EEO COUNSELOR CHECKLIST.

See attached, dated June 19, 2017.

II. SUMMARY OF INFORMAL RESOLUTION ATTEMPTS

A. IF THE COUNSELOR ATTEMPTED

RESOLUTION N/A

B. IF AGGRIEVED OPTED FOR ADR, COUNSELOR'S STATEMENT THAT THE ADR PROCESS WAS FULLY EXPLAINED TO THE AGGRIEVED INDIVIDUAL/SUMMARY OF INFORMATION GIVEN TO THE AGGRIEVED INDIVIDUAL AND THE AGENCY BY THE COUNSELOR.

Aggrieved elected ADR. ADR was explained to the aggrieved individual. It was reported on July 14, 2017, that ADR was unsuccessful. Notice of right to file a formal complaint issued to aggrieved on July 14, 2017.

SUBMITTED BY:



Lola Fisher,
EEO Counselor
(703) 366-5559

BCCR - OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
EEO COUNSELOR CHECKLIST

You have contacted an EEO Counselor regarding an allegation of discrimination. You have certain rights and responsibilities in the informal EEO process. These rights and responsibilities include:

- a. The right to anonymity.
- b. The right to representation throughout the complaint process including the counseling stage. The EEO counselor is not an advocate for either the aggrieved person or the agency but acts strictly as a neutral in the EEO process.
- c. The right to choose between the agency's alternative dispute resolution (ADR) process or EEO counseling, where the agency agrees to offer ADR in the particular case, and information about each procedure.
- d. The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure.
- e. The election requirement in the event that the claim at issue is appealable to the Merit Systems Protection Board (MSPB), i.e., the dispute is a mixed case.
- f. The requirement that the aggrieved person file a complaint within 15 calendar days of receipt of the Counselor's notice of right to file a formal complaint in the event s/he wishes to file a formal complaint at the conclusion of counseling or ADR.
- g. The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination, pursuant to § 1614.201(a).
- h. The right to go directly to a court of competent jurisdiction on claims of sex-based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.*

* Sex-based claims of wage discrimination may also be raised under Title VII; individuals so aggrieved may claim violations of both statutes simultaneously. Equal Pay Act complaints may be processed under Part 1614. In the alternative, EPA complainants may go directly to a court of competent jurisdiction.

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- i. The right to request a hearing before an EEOC Administrative Judge except in a mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.
- j. The right to an immediate final decision after an investigation by the agency in accordance with § 1614.108(f).
- k. The right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 days after filing an appeal.
- l. The duty to mitigate damages, *e.g.*, that interim earnings or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.
- m. The duty to keep the agency and EEOC informed of his/her current mailing address and to serve copies of appeal papers on the agency.
- n. Where counseling is selected, the right to receive in writing within 30 calendar days of the first counseling contact (unless the aggrieved person agrees in writing to an extension) a notice terminating counseling and informing the aggrieved of:
 - (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice,
 - (2) the appropriate official with whom to file a formal complaint, and
 - (3) the complainant's duty to immediately inform the agency if the complainant retains counsel or a representative. Any extension of the counseling period may not exceed an additional sixty (60) calendar days.
- o. The right to request a hearing before an EEOC Administrative Judge except in a mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.

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- p. Where the aggrieved person agrees to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within ninety (90) calendar days of the first contact with the EEO Counselor, whichever is earlier.
- q. That only those claims raised at the counseling stage or claims that are like or related to those that were raised may be the subject of a formal complaint, and how to amend a complaint after it has been filed.
- r. The identity and address of the EEOC field office to which a request for a hearing must be sent in the event that the aggrieved person files a formal complaint and requests a hearing pursuant to § 1614.108(g).
- s. The name and address of the agency official to whom the aggrieved person must send a copy of the request for a hearing. The EEO Counselor should advise the aggrieved person of his/her duty to certify to the Administrative Judge that s/he provided the agency with a copy of a request for a hearing.
- t. The time frames in the complaint process.
- u. The class complaint procedures and the responsibilities of a class agent, if the aggrieved person informs the EEO Counselor that s/he wishes to file a class complaint.
- v. That rejection of an agency's offer of resolution made pursuant to § 1614.109(c) may result in the limitation of the agency's payment of attorney's fees or costs.
- w. That the agency must consolidate two or more complaints filed by the same complainant after appropriate notice to the complainant. § 1614.606. The EEO Counselor should advise the complainant that when a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint and that the complainant may request a hearing before an EEOC Administrative Judge at any time after 180 days of the filing of the first complaint.
- x. The proper contact to request any needed reasonable accommodations to navigate the EEO process.

You must acknowledge receipt of this notice of your Rights and Responsibilities:

Miguel Santiago

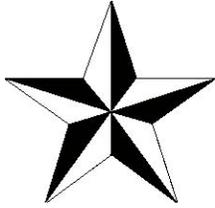
6/19/2017

Signature of Aggrieved Individual

Date Notice Received

Please direct any questions to the EEO Counselor you have contacted or to Alexandra Wu, Director of the Office of Equal Employment Opportunity at BCCR.

SECTION 2b
NOTICE OF RIGHT TO FILE



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

SUBJECT : Notice of Right To File a Discrimination Complaint
FROM : Lola Fisher, EEO Counselor  DATE: July 14, 2017
TO : Miguel Santiago

This is to inform you that because the dispute you brought to my attention has not been resolved to your satisfaction, you are now entitled to file an individual or class-based discrimination complaint based on race, color, religion, sex, national origin, physical or mental disability, age, reprisal and/or genetic information. If you file a complaint, it must be in writing, signed, and filed within fifteen (15) calendar days after receipt of this notice, with any of the following officials authorized to receive discrimination complaints:

- Alexandra Wu
Director of Equal Employment Opportunity
Bureau of Civil Compliance and Regulation
MD EEO - 777
2518 Grover Cleveland Parkway
Alexandria, VA 22399
- Valerie Simon
Director
Bureau of Civil Compliance and Regulation
MD - OD – 1
2518 Grover Cleveland Parkway
Alexandria, VA 22399

A complaint shall be deemed timely if it is received or postmarked before the expiration of the 15-day filing period, or, in the absence of a legible postmark, if it is received by mail within five days of the expiration of the filing period.

If you file your complaint with one of the officials listed above (other than the EEO officer), it will be sent to the activity EEO officer for processing. Therefore, if you choose to file your complaint with any of the other officials listed above, be sure to provide a copy of your complaint to the EEO officer to ensure prompt processing of your complaint.

The complaint must be specific and contain only those issues either specifically discussed with me or issues that are like or related to the issues that you discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same claims.

If you retain an attorney or any other person to represent you, you or your representative must immediately notify the EEO officer, in writing. You and/or your representative will receive a written acknowledgment of your discrimination complaint from the appropriate agency official.

If you file a complaint, you should name Valerie Simon as the Agency head.



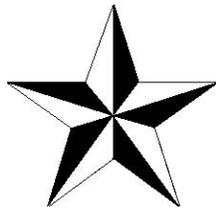
Lola Fisher, EEO Counselor

NOTE:

A copy of this notice must be provided to the EEO officer with the EEO Counselor's report and will be made a part of the complaint file.

SECTION 3
CLAIMS TO BE INVESTIGATED

SECTION 3a
Notice of Acceptance



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: Miguel Santiago

FROM: Alexandra Wu
Director

DATE: July 28, 2017

SUBJECT: Acceptance of Formal Complaint of Discrimination

This Office received your formal complaint of discrimination that was filed on July 17, 2017. The purpose of this memorandum is to notify you that your complaint has been accepted for investigation. The claim of discrimination that will be investigated has been defined as:

Whether the Agency discriminated against you on the basis of your national origin (Hispanic) when you were not selected on May 25, 2017, for the position of Senior Budget Analyst, GS-0560-14/15, advertised under Vacancy Announcement No. BCCR-OB-091.

If you disagree with the definition of your claim of discrimination as stated above, you must contact the EEO Office immediately. **Your complaint has been accepted as Agency Case Number EEO-00-9. Please use this number in all correspondence and communications regarding your complaint.**

An investigator will be assigned to investigate your claim of discrimination. The investigator must conduct a thorough and impartial investigation of your complaints of discrimination. It is important that you cooperate with the investigation and provide the investigator with all relevant information regarding your claims of discrimination. The investigation is required to be completed within 180 days.

You will receive a copy of the investigative report at the conclusion of the investigation. At the conclusion of the investigation, you have the right to request a

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hearing before an administrative judge at the United States Equal Employment Opportunity Commission. If you request a hearing before an EEOC administrative judge, you must send that request directly to:

EEOC
Washington Field Office
131 M Street, NE
Washington, DC 20507

A copy of your request for a hearing must also be sent to this office. The form for requesting a hearing before an EEOC administrative judge is attached. After the EEOC administrative judge issues a decision, this Office will decide whether to implement or appeal the administrative judge's decision.

If you do not want a hearing before an EEOC administrative judge, you may request a final agency decision. If requested, or if you do not request a hearing, this Office will issue a final agency decision in your discrimination claim.

You may appeal a dismissal, final action or a decision to the EEOC, Office of Federal Operations by:

Mail to:

Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

Hand Delivery to:

Equal Employment Opportunity Commission
Office of Federal Operations
Appellate Review Programs
131 M Street, NE
Washington, DC 20507

Email to:

ofe.eeoc@eeoc.gov

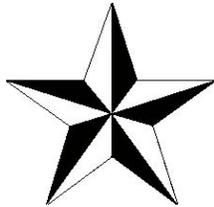
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Fax to:

Equal Employment Opportunity Commission
Office of Federal Operations
(202) 663-7022

Any questions or concerns about the investigative process may be addressed to me at (703) 366-5500. Additional information about the EEO process is available from this office and from the United States Equal Employment Opportunity Commission (eeoc.gov).

SECTION 3b
**ASSIGNMENT AND AUTHORITY TO
INVESTIGATE**



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: EEO Investigator

FROM: Alexandra Wu, Director 
Office of Equal Employment Opportunity

Date: July 28, 2017

SUBJECT: Assignment and Authorization to Investigate Complaint of Miguel Santiago

You have been assigned to investigate the discrimination complaint filed by Miguel Santiago. The complaint is docketed as **Agency Case Number EEO-00-9**.

The claim accepted for investigation is:

Whether the Agency discriminated against Miguel Santiago on the basis of his national origin (Hispanic) when he was not selected on May 25, 2017, for the position of Senior Budget Analyst, GS-0560-14/15, advertised under Vacancy Announcement BCCR-OB-091.

You must complete a thorough investigation of this complaint within 180 days from July 17, 2017. If appropriate, this office and the complainant may agree to an extension of not more than 90 days. Failure to timely and/or thoroughly investigate this discrimination claim may result in sanctions against BCCR. *See* 29 C.F.R. Section 1614.108; EEOC Management Directive 110, Chapter 5.

The EEO Counselor’s Report, the formal complaint, the acceptance letter and other processing documents are attached. If the complainant raises a new incident of alleged discrimination during the investigation, you must instruct the complainant

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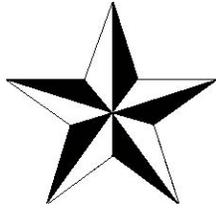
to submit a letter to me, the agency's EEO Director, describing the new allegations and stating that s/he wished to amend the complaint to include the new allegations. **YOU SHOULD NOT INVESTIGATE THE ADDITIONAL ALLEGATIONS UNTIL NOTIFIED BY THIS OFFICE.** You may advise the complainant that I will determine how the new allegations will be processed.

You are authorized to conduct the investigation of this complaint. You have the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without a promise of confidentiality. You have the authority to collect documents relevant to the claim of discrimination. At the conclusion of the investigation, you must submit a completed Investigative Report assembled as outlined in Chapter 6, Section VIII, pages 20-22 of EEOC MD-110. Your Investigative Report must include a summary of the investigation and all evidence you collected.

An authorization memorandum is attached.

If you have any questions or concerns about the conduct of your investigation, please contact me immediately.

SECTION 3c
AUTHORITY TO INVESTIGATE



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

AUTHORITY TO INVESTIGATE

RE: Miguel Santiago v. BCCR
EEO-00-9

Miguel Santiago, an employee of the Bureau of Civil Compliance & Regulation, has filed a discrimination complaint alleging discrimination on the basis of national origin (Hispanic). An EEO Investigator has been assigned to investigate this complaint. I hereby authorize the EEO Investigator to conduct this investigation and to secure affidavits from witnesses.

Upon identification, the EEO Investigator will be given your complete cooperation in this investigation. The EEO Investigator has been given authority to investigate all aspects of the complaint. Therefore, you are hereby required to furnish official documentation, factual data and sworn testimony, without a pledge of confidence about matters pertaining to the complaint.

A handwritten signature in black ink, appearing to read "Alexandra Wu", written over a horizontal line.

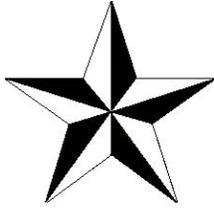
Alexandra Wu, Director
Office of Equal Employment Opportunity

cc: Miguel Santiago

SECTION 4

INFORMAL RESOLUTIONS

SECTION 4a
ADR NOTICE



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: Lola Fisher
EEO Counselor

FROM: Alexandra Wu, Director 
Office of Equal Employment Opportunity

Date: July 14, 2017

SUBJECT: Notice regarding ADR, Miguel Santiago v. BCCR; EEO-00-9

The above referenced complaint was referred to the Alternative Dispute Resolution program. Please be advised that attempts at resolving the complaint through the ADR program were not successful. Therefore, you are instructed to issue the notice of right to file a formal complaint to the complainant.

SECTION 5

APPELLATE ACTIVITY

SECTION 6

INVESTIGATIVE SUMMARY

Investigative Summary

Santiago v. BCCR

**INVESTIGATIVE SUMMARY
SANTIAGO v. BCCR
EEO Complaint No. EEO-00-9**

[New EEO Investigator Participants will receive a sample Investigative Summary for the Santiago case at the conclusion of the course.]

SECTION 7
EVIDENCE AND DOCUMENTS

SECTION

7a

Affidavit

**Miguel Santiago
Complainant**

BUREAU OF CIVIL COMPLIANCE & REGULATION

**AFFIDAVIT of
MIGUEL SANTIAGO
EEO Complaint No. EEO-00-9**

I, Miguel Santiago, do solemnly swear and affirm that:

1. My name is Miguel Santiago. I am of Hispanic national origin.
2. I am employed as a GS-13 Budget Analyst in the Office of Budget, Bureau of Civil Compliance and Regulation. I have held this position since 2001. In 2001, I was promoted from a GS-09 Budget Technician to a GS-11/12/13 Budget Analyst. My current supervisor is Dennis Hatcher, Director of the Office of Budget. I do not know his national origin.
3. I applied for the position of Senior Budget Analyst, GS-0560-14/15 which was advertised under vacancy announcement number BCCR-OB-091. The announcement was open from April 3, 2017 to April 21, 2017. I timely filed my application with Rosemary Compton in BCCR's personnel office.
4. The job qualifications for the GS-14/15 position was ability to develop, implement, and oversee the annual budget for BCCR. Requirements for the position included knowledge of federal budgeting processes, policies and practices; ability to act as a team leader for the Budget Division; ability to prepare and analyze budget options given BCCR priorities and Congressional mandates; ability to interact with senior agency management; ability to present budget information in a clear and concise manner to senior agency personnel via written or oral communications.
5. I have experience in all of the job requirements for the Senior Budget Analyst position. I have worked in the federal budget process for over eight years. I understand federal budgeting processes, policies and practices as required by the Office of Management and Budget and by BCCR. I have sometimes acted as team leader in the Budget Division. This generally occurred when the Director of the Office was out of the

office for extended periods. I am responsible for performing a wide variety of budgetary functions related to implementation of BCCR's annual budget. I review and analyze budget estimates and justifications. I have good working relationships with senior BCCR managers and have advised them formally and informally on all aspects of budget planning and implementation. My application package for the job details my qualifications.

6. I received outstanding performance evaluations as a Budget Analyst in 2014 and 2015. I did not receive an outstanding evaluation in 2016. In 2016, Dennis Hatcher was my supervisor. He told me that he believed that the former Director of the Office of Budget, Melanie Perez, inflated performance ratings. According to Mr. Hatcher, no one in the Office of Budget was performing at the Outstanding level, although there are some very good workers in the office.
7. Mr. Hatcher was the selecting official for the Senior Budget Analyst job. I don't know how many people applied, although people from outside BCCR were allowed to apply. The selectee, Alice Newton, came from another agency, the Space Commerce Administration. I don't know anything about her qualifications. Since she arrived here, she has been going to lots of meetings, and I continue to do the same things I have always done.
8. I was told by Mr. Hatcher that I was not the best qualified candidate for the job. He did not tell me any details of how my qualifications fell short.
9. I believe that Mr. Hatcher is prejudiced against Hispanics. He has made ethnic slurs about the previous Director of the Office of Budget, Ms. Perez. He said that she could not manage her way out of a paper bag. This statement was also heard by Michelle DeWitt, another Budget Analyst. He also criticized performance ratings given by Ms. Perez. Now, he has not selected me for this job when I am clearly very qualified.
10. I know that Hispanics are underrepresented in the upper grades in the federal government. I believe that BCCR is like other federal agencies in that it does not promote Hispanics to upper grades. I

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believe that BCCR has an obligation to promote qualified Hispanics to upper grades to remedy the under representation.

11. I have no further information about this matter.

I have read the above statement consisting of 3 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

10/3/2017

Date

Miguel Santiago

Signature

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

10/3/2017

Date

EEO Investigator

EEO Investigator

SECTION 7b

Affidavit

**Dennis Hatcher
Director, Office of Budget**

BUREAU OF CIVIL COMPLIANCE & REGULATION

**AFFIDAVIT of
DENNIS HATCHER
EEO Complaint No. EEO-00-9**

I, Dennis Hatcher, do solemnly swear and affirm that:

1. My name is Dennis Hatcher. My national origin is British.
2. I am the Director of the Office of Budget, Bureau of Civil Compliance and Regulation (BCCR). I was placed in this position two years ago after serving as the Executive Assistant to Valerie Simon, Director of BCCR since 2001.
3. During my tenure with BCCR, the agency has seen dramatic downsizing and cuts in its budget. The result has been a severe shortage in qualified senior managers within BCCR, particularly at the GS-15 level.
4. When I became Director of the Office of Budget, I replaced Melanie Perez. My first priority was to realign staff and fill critical positions to ensure that the budgetary operations of BCCR were not at risk. I received authority from Valerie Simon to fill three critical senior positions in the Office of Budget: Assistant Director, Senior Procurement Analyst, and Senior Budget Analyst. I filled these positions with selectees from outside BCCR because there were few qualified staff within BCCR, and I did not want to lose a slot by promoting from within the Office of Budget. I hired Maurice Brown to be my Assistant Director. I believe that Maurice is from the West Indies. I hired Sara Longfellow to be the Senior Procurement Analyst. I do not know Sara's national origin.
5. My second priority in the Office of Budget was to build a staff with sufficient budget experience and expertise to participate in the pilot project OMB had offered BCCR in which BCCR could operate under a two-year budget cycle. I participated in an interagency task force to explore the viability of moving the federal government to a two-year

budget cycle. I fully support the implementation of a two-year budget cycle. I believe that BCCR can operate under such a system and that BCCR would reap tremendous benefits in terms of our ability to plan and implement programs within the agency.

6. For the position of Senior Budget Analyst, I wanted a person who was familiar with the operational requirements of a two-year budget cycle. I met Alice Newton while serving on the interagency task force and was impressed with her quick mind and knowledge of the federal budget cycles. She also seemed to grasp the finer points of the two-year budget cycle. During a task force meeting several months ago, I told her that I would be filling a Senior Budget Analyst position and suggested that she apply for the position. I made no promises that I would hire her.
7. Personnel prepared and posted the vacancy announcement for the Senior Budget Analyst position. Personnel reviewed and ranked the applications. I received a list of the qualified candidates and their applications from Rosemary Compton in BCCR's personnel office. I was instructed to review and evaluate the applications. I was also told that I did not have to conduct interviews to make a selection. I selected Alice Newton for the position and notified Personnel of my choice.
8. After carefully considering all the applications, I selected Alice Newton because she was the best qualified candidate for the job. She met the qualifications and she had knowledge of the two-year budget cycle. None of the other candidates had that experience.
9. I have criticized the former Director, Melanie Perez because of her lack of management skills. She left the Office of Budget in a state of disarray and I have spent the last two years trying to remedy that situation.
10. I did not give anyone outstanding ratings in performance evaluations in 2016. I believe that in the past, the former Director inflated prior performance ratings. In my opinion, no employee in the Office of Budget has demonstrated outstanding work performance.

SECTION 7c
Witness Affidavit
Michelle DeWitt

BUREAU OF CIVIL COMPLIANCE & REGULATION

**AFFIDAVIT of
MICHELLE DEWITT
EEO Complaint No. EEO-00-9**

I, Michelle DeWitt, do solemnly swear and affirm that:

1. My name is Michelle DeWitt. I am an American.
2. I am a GS-12 Budget Analyst in the Office of Budget at BCCR. I have held this position for about 5 years. My current supervisor is Dennis Hatcher. He is the head of the Office of Budget. He's been in that job almost two years now.
3. My previous supervisor was Melly Perez. She left a couple of years ago.
4. Within two or three months of his arrival, during a Budget Division meeting, Dennis Hatcher stated something along the lines that Melly Perez "couldn't manage her way out of a paper bag." This statement was made in front of the entire Budget Division staff.
5. I have not heard Mr. Hatcher make any derogatory comment or connotation about Ms. Perez related to her ethnicity or about any ethnic groups.
6. I know that Miguel Santiago was convinced that the paper bag comment was a slur against Melly and all Hispanics, but I do not agree. I believe the statement was directed at her ability to manage the office not at her nationality.
7. In 2016, Mr. Hatcher refused to give me an outstanding performance evaluation. The office believed it was because he thought that Melly Perez inflated the performance ratings, but I did not hear him say that directly.

New Investigator Training

8. I think Mr. Santiago was qualified for the job, but I really do not know anything about Ms. Newton's qualifications.
9. I have no further information about this matter.

I have read the above statement consisting of 2 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Michelle Dewitt
Signature

10/3/2017
Date

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

10/3/2017
Date

EEO Investigator
EEO Investigator

SECTION 7d

Rebuttal Affidavit

Miguel Santiago
Complainant

(Rebuttal and Relief)

BUREAU OF CIVIL COMPLIANCE & REGULATION

**REBUTTAL AFFIDAVIT of
MIGUEL SANTIAGO
EEO Complaint No. EEO-00-9**

I, Miguel Santiago, do solemnly swear and affirm that:

1. My name is Miguel Santiago. I am providing this information for the investigation of my complaint of discrimination, BCCR Complaint Number EEO-00-9.
2. I do not know why Michele DeWitt does not believe that Dennis Hatcher made an ethnic slur about Melanie Perez when he said that “Perez could not manage her way out of a paper bag.”
3. I have not heard Dennis make any other ethnic slurs.
4. I believe that I was the best qualified candidate for the Senior Budget Analyst position. Although Alice Newton is doing a good job, I also have experience in the two-year budget cycle. I attended a training course on this topic. I believe that I was not selected by Dennis because of my national origin.
5. I believe that I should be promoted to the GS-14/15 level and should receive back pay. I have not applied for any other positions because there have not been any vacancies for budget analysts at higher grades.
6. I want Dennis to write a letter of apology.
7. I want a commitment from Valerie Simon that she will support better affirmative action for Hispanics at higher grades.
8. I am not claiming compensatory damages for the discrimination I have suffered.
9. I have no further information about this matter.

New Investigator Training

I have read the above statement consisting of 2 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

10/5/2017

Date

Miguel Santiago

Signature

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

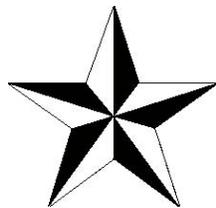
10/5/2017

Date

EEO Investigator

EEO Investigator

SECTION 7e
VACANCY ANNOUNCEMENT
BCCR-OB-091
SENIOR BUDGET ANALYST
GS-0560-14/15



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

**Vacancy Announcement BCCR-OB-091
SENIOR BUDGET ANALYST GS-0560-14/15**

Open Period: 04/03/2017 - 04/21/2017

Hiring Agency: Bureau of Civil Compliance & Regulation Duty

Location: Washington, DC metropolitan area
Remarks: Applications must be received or be postmarked by closing date

Contact: Rosemary Compton
(703) 366-5115
Office of Human Resources
BCCR
2518 Grover Cleveland Parkway
Alexandria, VA 22399

POSITION/TITLE/SERIES AND GRADE:

Senior Budget Analyst, GS-0560-14/15

SALARY RANGE: \$112,021 - \$158,123 (includes locality pay adjustment)

Relocation expenses will not be paid.

Supervisory/Managerial position: YES

Bargaining Unit position: NO

Competitive Status Required: YES

Number of Vacancies: One

Promotional Potential: GS-15

Area of Consideration: Current Federal Employees

Area of Consideration: Current Federal Employees

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Duties and Responsibilities:

Incumbent serves as senior budget analyst and is responsible for the development, justification, presentation, execution and financial operations of BCCR's program and administrative budgets. Serves as recognized expert and advisor to the Director of Budget on all aspects of budget formulation, policy, execution and/or forecasting issues. Reviews and evaluates complex national budgetary issues to assess the overall impact of the broad issues in terms of short term and long range program direction. Reviews and evaluates significant financial management and budget execution issues affecting overall program operations. Provides expert advice and guidance on all aspects of assigned budget areas to agency program officials and managers. Prepares and arranges briefings for Director of Budget and Director, BCCR, on unresolved/complex policy issues involving budget and other policy-related documents. Formulates and constructs forecasting systems for major BCCR programs and prepares forecasts of all program expenditures required for quarterly, annual and multi-year budget estimates. Represents Director of Budget in meetings, conferences, interdepartmental committees and other activities. Supervises junior budget analysts and support staff. Participates as BCCR representative on interagency task forces.

Qualification Requirements:

Specialized experience: 52 weeks of experience equivalent to the GS-13 grade level that equipped the candidate with the particular knowledge, skills and abilities (KSAs) to successfully perform the duties of the position.

Ranking factors:

1. Knowledge of the agency, Federal and Congressional budgetary review processes and OMB policies, directives, and regulations to formulate agency budget and facilitate its review and approval within the agency, OMB and Congress.
2. Knowledge and understanding of theories, principles, methodologies, and techniques of the agency and Federal budget process, OMB and agency policies, directives and regulations to develop options for managing and supporting agency budget execution and forecasting.
3. Ability to effectively communicate, both orally and in writing, in order to express ideas using appropriate language; organize ideas and marshal facts

New Investigator Training

in an objective manner; and convey key issues to high level officials within the agency, OMB, the Congress, States and public/private interest groups and advocates.

4. Ability to manage and supervise junior staff and support staff.

Where to mail applications:

BCCR
Office of Human Resources
Attn: Rosemary Compton
2518 Grover Cleveland Parkway
Alexandria, VA 22399

How to Apply: You may apply for this vacancy with a resume, the optional application for federal employment (OF-612), SF-171, or any other format you choose. Your application must contain the following information:

Personal Information: full name, mailing address with zip code, day and evening telephone numbers, social security number, country of citizenship (most federal jobs require United States citizenship), veterans preference (if claiming veterans preference, attach member copy #4 and SF-15), reinstatement eligibility, highest federal civilian grade (job series and dates held).

Education: high school (name, city, state and zip code if known), date of diploma or GED, colleges and universities attended (name, city, state and zip code if known), major, including type of degree(s) and year(s) received (if no degree, show total credits earned and indicate semester or quarter hours).

Work Experience: Give the following information for your paid and non-paid work experience related to the job for which you are applying: job title (include occupational series if applicable, and employer's name and address), duties and accomplishments, supervisor's name and telephone number (indicate if we may contact your current supervisor), starting and ending dates (month and year) hours per week, and salary of each specific work experience.

Other Job-Related Qualifications: training (course titles and dates); skills (e.g., typing, computer, language, machine, etc.); certificates and licenses; honors, awards and special accomplishments (e.g., publications, memberships in

New Investigator Training

professional or honor societies, leadership activities, public speaking engagements and performance awards).

If your resume or application does not provide all the information requested above, you may not be considered for the position.

Evaluation Method

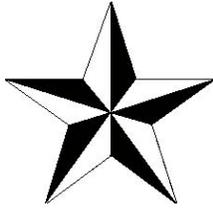
Candidates found basically qualified will be rated and ranked on the extent and quality of their backgrounds relevant to the rating factors listed in this announcement. Appropriate credit will be given for job-related experience, training, education, awards and outside activities.

Privacy Act Statement: The application forms prescribed are used to determine qualifications for promotion, reassignment, or employment and are authorized under Title 5 U.S.C. sections 3302 and 3361.

SECTION 7f

**CERTIFICATION LIST OF
ELIGIBLE CANDIDATES**

**BCCR-OB-091
SENIOR BUDGET ANALYST
GS-0560-14/15**



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

TO: Dennis Hatcher Director,
Office of Budget

FROM: Rosemary Compton
Personnel Specialist

SUBJECT: Eligible Candidates for Vacancy Announcement BCCR-OB-091,
Budget Analyst GS-0560-14/15

The following candidates are eligible for selection in the above referenced vacancy announcement. Their application packages are attached. Once you make a selection, please return a copy of this form with the name of the selectee indicated.

Position: Budget Analyst GS-0560-14/15
Vacancy Announcement BCCR-OB-091

Eligible Candidates: Miguel Santiago
Alice Newton

To be completed by selecting official:

Miguel Santiago _____selected not selected

Alice Newton selected _____not selected

Date of selection: 5/23/2017

Signature of Selecting Official:

SECTION 7g
APPLICATION PACKAGE
COMPLAINANT
MIGUEL SANTIAGO

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT
(OF 612 -- Form Approved: OMB No. 3206-021)

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1. JOB TITLE IN ANNOUNCEMENT: Senior Budget Analyst
 2. GRADE(S) APPLYING FOR: GS-0560-14/15
 3. ANNOUNCEMENT NUMBER: BCCR-OB-091
 4. LAST NAME: Santiago FIRST, MIDDLE: Miguel Alberto
 5. SOCIAL SECURITY NUMBER: XXX-XX-XXXX
 6. MAILING ADDRESS:
41009 Winding Way Road
Running Park, VA 22877
 7. PHONE NUMBERS (include area code):
DAYTIME: (703) 366-5222
EVENING: (703) 899-0103
-

8. WORK EXPERIENCE: Describe your paid and non-paid work experience related to the job for which you are applying. (Do not attach job descriptions)

- a. JOB TITLE (If Federal, include series and grade):
Budget Analyst, GS-0560-13/3

FROM (MM/YY): 02/01 TO (MM/YY): present

SALARY: \$ 105,949 per year

New Investigator Training

EMPLOYER'S NAME: Bureau of Civil Compliance &
Regulation, Office of Budget

EMPLOYER'S ADDRESS: 2518 Grover Cleveland Parkway
Alexandria, VA 22399

SUPERVISOR'S NAME: Dennis Hatcher
PHONE: (703) 366-5220

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

I perform a variety of budgetary functions related to implementation of BCCR's budget for each of its programs. I am responsible for reviewing and evaluating complex national budgetary issues to assess the overall impact on BCCR programs, policies and procedures. I perform administrative duties in support of these activities as well. I advise BCCR program managers and high level agency officials on all aspects of budget planning and implementation. I review and analyze budget estimates and justifications, requests for allotments, and obligating documents submitted by program managers to determine accuracy of technical treatment and format and conformance with OMB and BCCR budgetary guidelines. I prepare written and oral summaries of budget options and alternatives for BCCR program managers. I work closely with officials at the Office of Management and Budget to ensure that BCCR's budget programs and policies adhere to OMB standards and guidelines.

- b. JOB TITLE (If Federal, include series and grade):
Budget Technician, GS-0560-09

FROM (MM/YY): 07/99 TO (MM/YY): 01/01

SALARY: \$ 105,949 per year

HOURS PER WEEK: 40

EMPLOYER'S NAME: Commission on Statutory Revision

EMPLOYER'S ADDRESS: 5251 McKinley Road
Silver Spring, MD 22119

New Investigator Training

SUPERVISOR'S NAME: Rebecca Dobson
PHONE: (301) 554-9986

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

I performed budget analyses and reviews for the Office of Operations and Development at this small federal agency. Applying policies and procedures consistent with guidelines from OMB, I determined the feasibility of various budget options and drafted memoranda and reports for the Director of Operations and Development. I assisted in the preparation of annual budgets for submission to the Agency head, revised budget estimates, and prepared support documentation for the annual budgets. During my employment, I also participated in the conversion of the budget software to FINFUN, a sophisticated budget planning, development and tracking program.

9. MAY WE CONTACT YOUR CURRENT SUPERVISOR? (If we need to contact your current supervisor before making an offer, we will contact you first.)

YES NO

EDUCATION

10. MARK HIGHEST LEVEL COMPLETED: Some HS Bachelor
HS/GED Master Associate Doctoral

11. LAST HIGH SCHOOL or GED SCHOOL: Roosevelt High School

CITY/STATE/ZIP (if ZIP known): 4416 Manor Road Paradise, FL

YEAR DIPLOMA or GED RECEIVED: 1995

12. COLLEGES AND UNIVERSITIES ATTENDED (Do not attach a copy of your transcript unless requested.)

a) NAME: Maryland State University
CITY/STATE/ZIP: Ocean Grove, MD 20556
SEMESTER CREDITS EARNED: 124
MAJOR(S): Accounting/Finance

New Investigator Training

DEGREE (If any): B.S.
YEAR RECEIVED: 1999

OTHER QUALIFICATIONS

13. Job-related training courses (give title and year). Job-related skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.). Job-related certificates and licenses (current only). Job-related honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards). Give dates, but do not send documents unless requested.

Training Courses

FINFUN - Basic (2000)

FINFUN - Advanced (2000)

Options for a two year budget cycle (2016)

Budget Preparation for Small Agencies (2003)

Diversity (2015)

Finance in the Public Sector (Md State University graduate course), Fall 2015

Public Administration Seminar (Md State University graduate course), Spring 2016

Accounting Systems for Non-Profits (Md State Univ. graduate course), Fall 2016

Computer Skills

Lotus 123

QuattroPro

WordPerfect

Microsoft Word

Job-related honors, awards, and special accomplishments

Outstanding Performance Ratings 2001, 2002, 2003, 2014, 2015

Quality Step Increase 2001 and 2002

Employee of the Month December 2014

Hispanic Employee of the Year 2014

Team Member, BCCR Two-Year Budget Team, 2001-2003

Team Leader, Hispanic Employees in Government Task Force,

Professional Classifications Team, 2015

GENERAL:

14. ARE YOU A U.S. CITIZEN? YES [X] NO []

If NO, give the country of your citizenship:

15. DO YOU CLAIM VETERANS' PREFERENCE? YES [] NO [X]

If YES, mark your claim of 5 or 10 points below:

5 POINTS [] -- Attach your DD 214 or other proof.

10 POINTS [] -- Attach an Application for 10-Point Veterans' Preference (SF- 15) and proof required.

16. WERE YOU EVER A FEDERAL CIVILIAN EMPLOYEE? YES [X] NO []

If YES, for Highest Civilian Grade give:

SERIES: 0560 GRADE: 13

FROM (MM/YY): 02/01 TO (MM/YY): present

17. ARE YOU ELIGIBLE FOR REINSTATEMENT BASED ON CAREER OR CAREER-CONDITIONAL FEDERAL STATUS? YES [] NO [X]

If requested, attach SF 50 proof.

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.

4/18/2017

DATE SIGNED

A handwritten signature in cursive script, reading "Miguel Santiago", is written over a horizontal line.

SIGNATURE

SECTION 7h

APPLICATION PACKAGE

SELECTEE

ALICE NEWTON

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT
(OF 612 -- Form Approved: OMB No. 3206-021)

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1. JOB TITLE IN ANNOUNCEMENT: Senior Budget Analyst
 2. GRADE(S) APPLYING FOR : GS-0560-14/15
 3. ANNOUNCEMENT NUMBER: BCCR-OB-091
 4. LAST NAME: Newton FIRST, MIDDLE: Alice Grace
 5. SOCIAL SECURITY NUMBER: XXX-XX-XXXX
 6. MAILING ADDRESS: 6916 16th Street, NW Washington,
DC 20018
 7. PHONE NUMBERS (include area code):

DAYTIME:(202) 866-4432

EVENING: (202) 986-1744
-

8. WORK EXPERIENCE: Describe your paid and non-paid work experience related to the job for which you are applying. (Do not attach job descriptions)

- a) JOB TITLE: Budget Analyst, GS-0560-14

FROM (MM/YY): 11/03 TO (MM/YY): present

New Investigator Training

SALARY: \$ 120,148 per year

EMPLOYER'S NAME: Space Commerce Administration

EMPLOYER'S ADDRESS: 1400 New York Avenue, NW
Washington, DC 20908

SUPERVISOR'S NAME: Felix Munger

PHONE: (202) 886-4450

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

- Responsible for development and implementation of SCA's annual budget.
- Prepare budget analyses to address funding options for various agency programs.
- Review and recommend modifications to agency policies and procedures regarding budget formulation and implementation to ensure consistency with OMB requirements and guidelines.
- Supervise budget technician.
- Serve as Team Leader on Interagency Task Force on Viability of Two-Year Budget Cycle, Small Agency Team; develop strategies and identify issues related to implementation of two-year budget cycle at small agencies.
- Provide expert advice and guidance to SCA program managers on all aspects of budget formulation, policy, implementation, and forecasting.
- Brief SCA leadership on potential issues and possible resolutions to budget problems.
- Monitor policy developments and evaluate short-term and long-term impacts on Agency's budget program and policies.
- Develop and prepare budget forecasts for SCA that include consideration of policy initiatives and private sector contributions for joint space research projects.
- Assure conformance with OMB budget guidelines and policies.

b) JOB TITLE: Budget Analyst, GS-0560-13

New Investigator Training

FROM (MM/YY): 11/02 TO (MM/YY): 11/03

SALARY: \$101,890 per year

HOURS PER WEEK:40

EMPLOYER'S NAME: Space Commerce Administration

EMPLOYER'S ADDRESS: 1400 New York Avenue, NW
Washington, DC 20908

SUPERVISOR'S NAME: Felix Munger
PHONE: (202) 886-4450

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

- Responsible for development and implementation of budget for Office of Space Research (\$500 million budget in fiscal year 2002), largest program office in SCA.
- Reviewed, analyzed, and evaluated budget options incorporating funding alternatives related to joint projects with private sector organizations.
- Prepared recommendations on OSR budget issues for consideration by senior management.
- Kept abreast of developments in national budget policies and practices.
- Monitored budget implementation and reviewed budget documentation submitted by OSR program managers for accuracy and conformance with OMB policy and guidelines.

c) JOB TITLE: Budget Analyst, GS-0560-09-12

FROM (MM/YY): 03/97 TO (MM/YY): 10/02

SALARY: \$ 92,204 per year

HOURS PER WEEK: 40

EMPLOYER'S NAME: National Technology Transfer Institute

New Investigator Training

EMPLOYER'S ADDRESS: 18000 Technology Way
Rockville, MD 22390

SUPERVISOR'S NAME: Leon St. Cloud
PHONE: (301) 891-4469

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

- Promoted from GS-09 to GS-12 during first three years of tenure.
- Responsible for preparing budget analyses for program offices.
- Evaluated budget plans, monitored budget implementation, and reviewed supporting documentation submitted by program offices for conformance with OMB policy and guidelines.
- During later years of tenure, participated in task forces on different budget systems for federal agencies; reviewed and critiqued options for multi-period budget cycles; provided input for task force reports.

d) JOB TITLE: Financial Intern, GS-0540-05

FROM (MM/YY): 05/96 TO (MM/YY): 08/96

SALARY: \$ 61,829 per year

HOURS PER WEEK: 40

EMPLOYER'S NAME: National Technology Transfer Institute

EMPLOYER'S ADDRESS: 18000 Technology Way
Rockville, MD 22390

SUPERVISOR'S NAME: Leon St. Cloud
PHONE: (301) 891-4469

New Investigator Training

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

- Assisted budget analysts in preparation, review and implementation of annual budget.
- Performed administrative functions in support of budget preparation and implementation.
- Drafted memoranda to program managers regarding budget issues and their impact on agency programs.

e) JOB TITLE: Bookkeeper

FROM (MM/YY): 07/87 TO (MM/YY): 07/93

SALARY: \$ 13.50/hour

HOURS PER WEEK: 40

EMPLOYER'S NAME: Scientific Exports, Inc.

EMPLOYER'S ADDRESS: 1800 N Street, NW
Washington, DC 20036

SUPERVISOR'S NAME: Omar Sharif
PHONE: (202) 466-0999

DESCRIBE YOUR DUTIES AND ACCOMPLISHMENTS:

- Responsible for all bookkeeping duties for small firm specializing in export of scientific instruments and devices.
- Prepared annual financial statements, tax returns, and operating statements for President of firm.

9. May We Contact Your Current Supervisor? (If we need to contact your current supervisor before making an offer, we will contact you first.)

YES [X] NO []

EDUCATION

New Investigator Training

10. MARK HIGHEST LEVEL COMPLETED: Some HS [] Bachelor [] HS/GED [] Master [X] Associate [] Doctoral []

11. LAST HIGH SCHOOL or GED SCHOOL: Barrington High School

CITY/STATE/ZIP (if ZIP known): Fairhaven, NY

YEAR DIPLOMA or GED RECEIVED: 1987

13. COLLEGES AND UNIVERSITIES ATTENDED (Do not attach a copy of your transcript unless requested.)

a) NAME: Burnside College
CITY/STATE/ZIP: Brook Haven, VA
SEMESTER CREDITS EARNED: 145
MAJOR(S): Double B.A.
DEGREE (If any): B.S.
YEAR RECEIVED: 1993

b) NAME: Maryland State University
CITY/STATE/ZIP: Ocean Grove, MD 20556
SEMESTER CREDITS EARNED: 83
MAJOR(S): Business Administration
DEGREE (If any): M.B.A.
YEAR RECEIVED: 2003

OTHER QUALIFICATIONS

14. Job-related training courses (give title and year). Job-related skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.). Job-related certificates and licenses (current only). Job-related honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards). Give dates, but do not send documents unless requested.

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Job-Related Training.

Supervision for Government Managers (USRA Graduate School), 40 hours, July 2007.

Budget Development for Small Agencies, 27 hours, September 2016.

Small Agency Budget Cycles, 8 hours, May 2016.

Financial Management Systems in Procurement, 35 hours, December 2015.

Beyond FINFUN - the Next Generation of Budgeting Software, 21 hours, September 2015.

FINFUN for Small Agencies - 14 hours, July 2014.

FINFUN Basics - 24 Hours, December 2003.

Job-related skills.

Familiar with all computer-based budget software used in federal government, including FINFUN.

QuattroPro

Lotus 123

Oracle Database Systems

*Job-related Awards, Honors, and special accomplishments.

Performance Award (\$575), August 2016.

Time Off Award (16 hours), August 2016.

Outstanding Performance Evaluation, 2016.

Outstanding Performance Evaluation, 2015.

Performance Award (\$800), August 2014.

Time Off Award (40 Hours) August 2014.

Time Off Award (40 Hours) August 2014.

Employee of the Month, February 2014.

Outstanding Performance Evaluation, 2003.

Employee of the Month, August 2002.

Director's Organizational Performance Award for FY 2002

Director's Organizational Performance Award for FY 2001

14. ARE YOU A U.S. CITIZEN? YES [X] NO []

If NO, give the country of your citizenship:

New Investigator Training

15. DO YOU CLAIM VETERANS' PREFERENCE? YES [] NO [X]

If YES, mark your claim of 5 or 10 points below:

5 POINTS [] -- Attach your DD 214 or other proof.

10 POINTS [] -- Attach an Application for 10-Point Veterans' Preference (SF- 15) and proof required.

16. WERE YOU EVER A FEDERAL CIVILIAN EMPLOYEE? YES [X] NO []

If YES, for Highest Civilian Grade give:

SERIES: 0560 GRADE: 14

FROM (MM/YY): 11/03 TO (MM/YY): present

17. ARE YOU ELIGIBLE FOR REINSTATEMENT BASED ON CAREER OR CAREER-CONDITIONAL FEDERAL STATUS? YES [] NO [X]

If requested, attach SF 50 proof.

APPLICANT CERTIFICATION

18. I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.



SIGNATURE

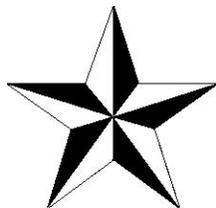
4/21/2017

Dated Signed

SECTION 7i

OFFICE OF BUDGET

ORGANIZATION CHART



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

Office of Budget

Office of the Director

Director

Dennis Hatcher (SES/ES-2, British)202-366-5200

Assistant Director

Maurice Brown (GS-15, West Indies)202-366-5205

Executive Assistant

Thelma Hickey (GS-9, United States)202-366-5200

Budget Division

Senior Budget Analyst (GS-15, Vacant)

Budget Analyst

Miguel Santiago (GS-13, Hispanic).....202-366-5222

Budget Analyst

Michelle DeWitt (GS-12, American).....202-366-5221

Budget Technician

Harold Sykes (GS-7, British)202-366-5225

Procurement Division

Senior Procurement Analyst

Sara Longfellow (GS-15, French, Vietnamese).....202-366-5230

Procurement Analyst

William Rodman (GS-13, national origin unknown).....202-366-5233

Procurement Clerk

Evelyn Hargrove (GS-6, United States).....202-366-5231

Resource Management Division

Senior Management Specialist

Beverly Spellman (GS-14, Nigeria).....202-366-5240

Management Assistant

Thomasina Everett (GS-5, Haiti, United States).....202-366-5241

New Investigator Training

Operational Planning Division

Senior Analyst (Vacant)

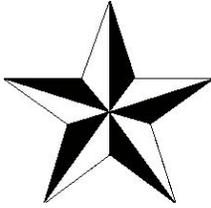
Operations Analyst

Michael Bartok (GS-12, Hungarian).....202-366-5210

Planning Assistant

Henrietta Jones (GS-5, West Africa)202-366-5211

**SECTION 7j
BCCR GUIDELINES
for
SELECTION OF FINANCIAL
MANAGEMENT PERSONNEL**



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

Guidelines for Selection of Financial Management Personnel

The following guidelines should be considered by selecting officials when filling vacancies for financial management positions. Selections must be made in accordance with merit system principles. The criteria for selection of financial management personnel require consideration of the duties of the position and the applicable qualifications of applicants as reflected in their knowledge, skills and abilities.

Additional assistance is available from the Office of Human Resources.

Merit System Principles

Hiring and selection must be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

All employees and applicants for employment must receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disability, and with proper regard for their privacy and constitutional rights.

Key Accounting Disciplines

Key accounting disciplines, such as cost accounting, internal controls and auditing are mandatory to performing many of today’s accounting tasks. Additionally, accountants must function in a broad interdisciplinary management context. Multi-disciplinary course work and/or experience, such as in capital planning and information technology, are appropriate supplemental qualifications.

Selective Factors

Selective Factors are specific experience requirements, knowledge, skills, and abilities candidates MUST possess in order to meet the minimum qualifications of a position (e.g., they become part of the minimum qualification requirements and thus are candidate screening factors). If candidates do not possess the specific selective factor(s), they are not qualified and receive no further consideration. Although education and licensure requirements (e.g., a Certified Public Accountant (CPA) or Certified Government Financial Manager (CGFM)) that are in addition to the basic requirements may not be used as selective factors, specialized job-related experience can be used.

Specialized Experience

Specialized Experience defines the specific knowledge, skills, and abilities that a successful candidate must possess in order to perform the work of a position. The statement of specialized experience establishes the threshold that applicants must meet or exceed in order to be considered qualified. It defines specific minimum experience requirements for a position. Successful candidates will possess the desired attributes.

Quality Ranking Factors

Quality Ranking Factors are knowledge, skills, abilities, and other characteristics that can be used to separate higher quality candidates from those who are just minimally qualified. Education, experience, professional licenses (i.e., a Certified Public Accountant or Certified Government Financial Manager), membership/leadership in professional societies, etc., can be used as quality ranking factors. Quality rating factors determine the top scoring, thus the best qualified candidates. Candidates have been rated and ranked using a crediting plan developed for each quality ranking factor.

Neither selective factors nor quality ranking factors can be so narrow that they limit surplus and displaced employees' chances for re-employment.

Hiring Process

1. The selecting official must review all applications of qualified candidates. Interview with qualified candidates may be conducted but are not required.

Selections must be based on the qualifications of qualified candidates and not on prohibited bases as set forth in Title 5, Sections 2301 and 2302 of the United States Code.

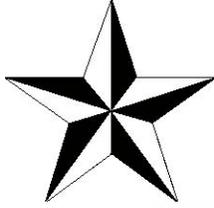
2. Priority placement of displaced federal employees from the Interagency Career Transition Assistance Plan is required. The priority placement aspects of the Interagency Career Transition Assistance Plan do not get in the way of hiring good people. In fact, the Interagency Career Transition Assistance Plan is a good source of skilled workers. The Plans require agencies to select only those displaced employees who are well qualified for the particular job and agencies define well qualified. The only displaced employees one must consider are those who apply under the specific announcement.

3. Candidates may also be selected from the Presidential Management Intern program to hire high-achievers at the GS-9 level. The Office of Personnel Management manages a recruitment and examination process that yields a pool of Presidential Management Fellowship finalists from which an agency may select anyone. Each finalist holds a Master's degree in any one of a number of fields. A significant number would likely meet the positive education requirement for accountant and auditor positions. Only qualified candidates may be considered.

SECTION 7k

Request for Information

Santiago v. BCCR



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

TO: Rosemary Compton
Personnel Specialist

FROM: EEO Investigator

A handwritten signature in black ink, appearing to be the initials 'EEO' followed by a stylized flourish.

SUBJECT: Request for Information in EEO Complaint of Miguel Santiago

DATE: July 29, 2017

I have been assigned to investigate the discrimination complaint of Miguel Santiago. In order to fully investigate this complaint, please provide the following information:

1. Copies of applicable regulations, standards, orders, policies and procedures that BCCR follows in promotions.
2. Copy of the vacancy announcement for the position of Senior Budget Analyst, GS-0560-14/15.
3. Identify all applicants for the position of Senior Budget Analyst by name and national origin.
4. The certification list of eligible candidates for selection.
5. The name and national origin of the selectee.
6. The name, title and national origin of the recommending and selecting official.
7. Copies of the application packages submitted by the complainant and other applicants.
8. A listing of all promotions where Dennis Hatcher was the selecting official from January 1, 2015 to present, identifying the following:

New Investigator Training

- a. name, national origin, original job title and grade, and promotion job title and grade.
9. An organizational chart for the Office of Budget, BCCR, reflecting staff at the time of the selection. For each employee, please identify job title, grade and national origin.

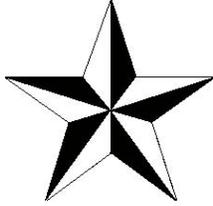
If any of this information is not available, please provide an explanation of what is not available and why. Thank you for your assistance in providing this evidence no later than August 8, 2017.

Please call me at x5575 if you have any questions.

SECTION 7I

Agency Response to RFI

Santiago v. BCCR



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

TO: EEO Investigator

FROM: Rosemary Compton 
Personnel Specialist

SUBJECT: Request for Information in EEO Complaint of Miguel Santiago

In response to your request for information, the following information is provided:

1. Copies of applicable regulations, standards, order, policies and procedures that BCCR follows in promotions.

See attached.
2. Copy of the vacancy announcement for the position of Senior Budget Analyst, GS-0560-14/15.

See attached.
3. The names and national origins of all applicants for the position:

Miguel Santiago – Hispanic

Alice Newton – German
4. The certification list of eligible candidates for selection

See attached.

New Investigator Training

5. The name and national origin of the selectee:

Alice Newton - German
6. The name, title and national origin of the selecting and recommending officials: Due to the vacancy in the position of Assistant Director, Office of Budget, at the time of this selection, Dennis Hatcher, Director of the Office of Budget was both the recommending and selecting official. His national origin is British.
7. Copies of the application packages submitted by the complainant and other applicants.

See attached.
8. A listing of all promotions where Dennis Hatcher was the selecting official from January 1, 2015 to present identifying:
 - a. name, national origin, original job title and grade, and promotion job title and grade.

May 23, 2017 Alice Newton (German), Budget Analyst GS14, promoted to Senior Budget Analyst GS-14/15

May 31, 2017 Maurice Brown (West Indies), Program Manager GS-15, promoted to Assistant Director GS-15

June 7, 2017 Sara Longfellow (French, Vietnamese), Procurement Specialist, promoted to Senior Procurement Analyst, GS-14/15
9. An organization chart for the Office of Budget at the time of the selection reflecting employee name, job title, grade and national origin. See attached.

Please let me know if you have any questions.

SECTION 8

**PREHEARING
SUBMISSIONS**

SECTION 9

**HEARING
SUBMISSIONS**

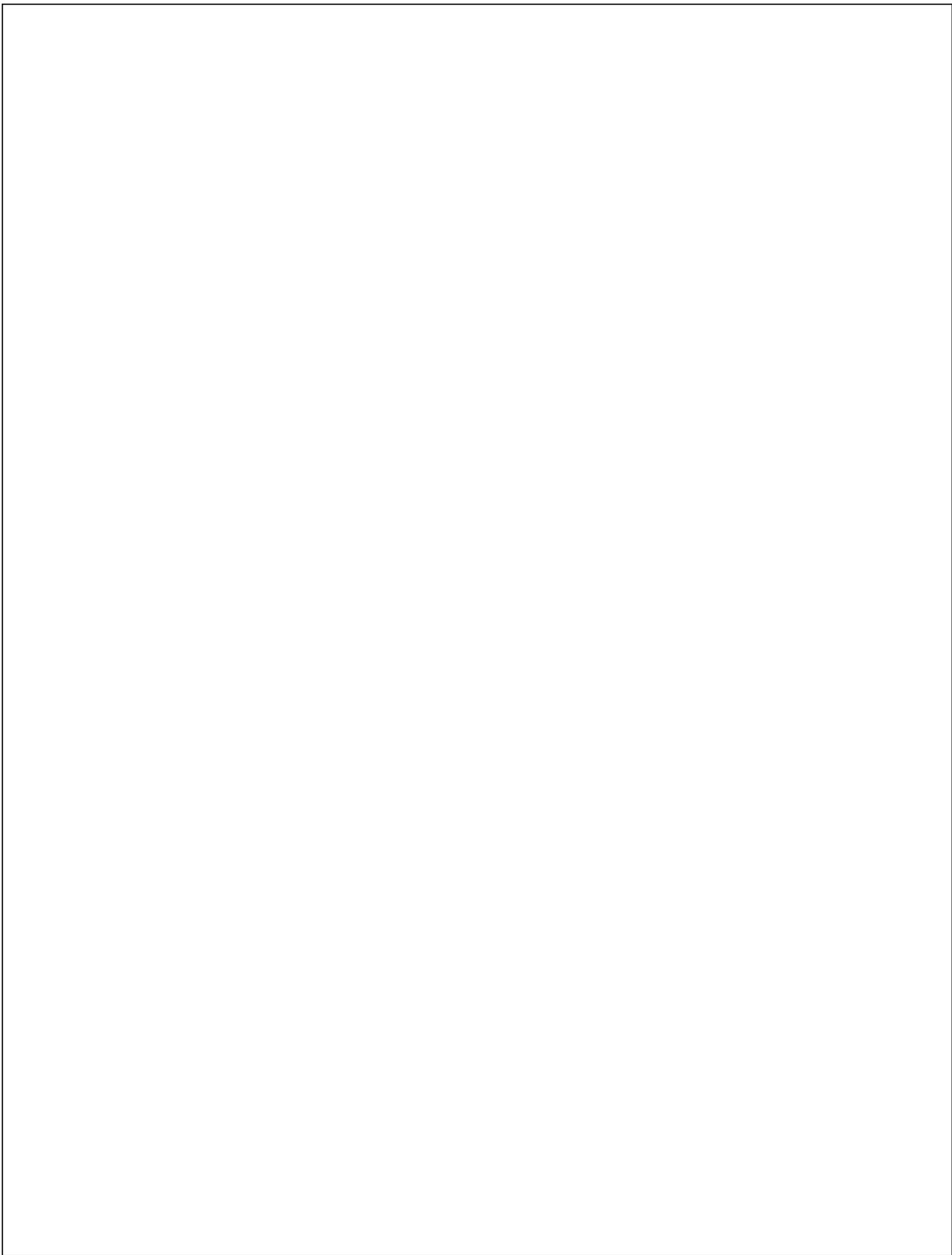
SECTION 10

**ADMINISTRATIVE
JUDGE DECISIONS**

SECTION 11
FINAL AGENCY ACTIONS

SECTION 12

MISCELLANEOUS
(non-evidence)



Complaint File

Reed v. BCCR

Case Index
Reed v. BCCR

CASE INDEX

Leslie Reed v. BCCR

EEO Complaint Nos. EEO-00-13 and EEO-00-21

Section 1: Complainant's Formal Complaints and Documents Submitted

- 1-a EEO-00-13: Formal Complaint of Discrimination, dated July 17, 2017
- 1-b EEO-00-21: Formal Complaint of Discrimination, dated September 15, 2017
- 1-c Complainant's Request to Amend, dated July 5, 2017
- 1-d Complainant's Request to Amend, dated October 1, 2017

Section 2: Counselor's Report and Documents

- 2-a EEO-00-13: Counselor's Report
- 2-b EEO-00-21: Counselor's Report
- 2-c EEO-00-13: Notice of Right to File Formal Complaint issued July 5, 2017

2-d EEO-00-21: Notice of Right to File Formal Complaint issued August 31, 2017

**Section 3: Claims to be Investigated:
Documents Delineating the Issues Accepted for Investigation**

3-a EEO-00-13: Notice of Acceptance, issued July 28, 2017

3-b EEO-00-21: Notice of Acceptance and Consolidation, issued October 5, 2017

3-c Acknowledgment of Request to Amend, issued July 19, 2017

3-d Acknowledgment of Request to Amend, issued October 4, 2017

3-e EEO-00-13: Assignment and Authorization to Investigate Complaint, issued July 28, 2017

3-f EEO-00-13: Assignment and Authorization to Investigate Amended Complaint, issued October 4, 2017

3-g EEO-00-21: Assignment and Authorization to Investigate Consolidated Complaint, issued October 5, 2017

3-h EEO-00-13: Authority to Investigate

3-i EEO-00-21: Authority to Investigate

Section 4: Informal Resolutions (no exhibits)

Section 5: Appellate Activity (no exhibits)

Section 6: Investigative Summary

Section 7: Evidence and Documents

New Investigator Training

- 7-a Complainant's Affidavit, dated October 1, 2017
- 7-b Complainant's Supplemental Affidavit (EEO-00-13), dated October 12, 2017
- 7-c Complainant's Supplemental Affidavit (EEO-00-13 and EEO-00-21), dated October 15, 2017
- 7-d Affidavit of Marvin Winters, Director ORR, dated October 14, 2017
- 7-e Complainant's Rebuttal Affidavit (EEO-00-13 and EEO-00-21), dated October 15, 2017
- 7-f BCCR Sexual Harassment Policy
- 7-g BCCR Accommodations Policy
- 7-h BCCR Office of Regulatory Review Organization Chart
- 7-i Request for Information to Rosemary Compton, Personnel Specialist and her response to the Investigator
- 7-j E-mail to Roger Meany, requesting interview, dated October 15, 2017

Section 8: Prehearing Submissions (no exhibits)

Section 9: Hearing Submissions (no exhibits)

Section 10: Administrative Judge Decision (no exhibits)

Section 11: Final Agency Action (no exhibits)

Section 12: Miscellaneous

- 12-a Internet Asthma Information

SECTION 1

**FORMAL COMPLAINTS
AND DOCUMENTS SUBMITTED**

SECTION 1-a
FORMAL COMPLAINT
(EEO-00-13)

SECTION 1-b
FORMAL COMPLAINT
(EEO-00-21)

New Investigator Training

Bureau of Civil Compliance and Regulation Formal EEO Complaint	AGENCY COMPLAINT No. EEO-00-21
<i>Instructions: Please type or print. You must complete all information requested on this form, sign it, and return it to the EEO Office at BCCR. Failure to comply with these instructions may result in dismissal of the complaint. 29 C.F.R. § 1614.107(a)(2). The information provided on this form is protected by the Privacy Act of 1974.</i>	
NAME: <u>Leslie Reed</u>	TELEPHONE
NUMBER: ADDRESS: (DAY) <u>2801 Olive Grove Way</u> <u>Earview MD 20644</u>	(703) <u>366-5543</u> (EVENING) <u>(301) 555-1544</u>
CURRENT POSITION: Public Affairs Specialist	
ALLEGATION OF DISCRIMINATION - Describe your claim in specific detail. <u>My office is dusty and the air blows right on me. I asked my supervisor, Marvin Winters, to move me -- nothing happened.</u>	
BASIS OF DISCRIMINATION: 1) [] Race (Specify) _ 2) [] Color (Specify) _ 3) [] National Origin (Specify) _ 4) [] Sex (Specify) _ 5) [] Age (Date of Birth) _ 6) [] Mental Disability (Specify) _ 7) [X] Physical Disability (Specify) <u>Asthma</u> 8) [] Religion (Specify) _ 9) [] Retaliation (Identify earlier event and/or opposed practice. Give date.) _	
NAME/TITLE OF INDIVIDUAL(S) RESPONSIBLE FOR ALLEGED DISCRIMINATION: <u>Marvin Winters, Director, Office of Regulatory Review</u>	
DATE(S) OF ALLEGED DISCRIMINATION: <u>June 29, 2017</u>	
HAVE YOU CONTACTED AN EEO COUNSELOR? [X] YES [] NO	
DATE OF CONTACT: <u>July 5, 2017</u>	NAME OF COUNSELOR: <u>Lola Fisher</u>
HAVE YOU FILED: <i>check all that apply</i> [] a grievance under the Collective Bargaining Agreement [] an appeal to the Merit System Protection Board [] a civil action in United State District Court	
<i>I declare under penalty of perjury that the information I have provided on this form is true. I understand that a false statement may render me subject to civil and criminal penalties in accordance with the law.</i>	
 Signature	<u>9/15/2017</u> Date

SECTION 1-c
REQUEST TO AMEND

PEARCE, LETTVICH AND VINE, P.C.

1100 PENNSYLVANIA AVENUE, N.W.

SUITE 700 WASHINGTON, D.C. 20005

202.555.1600

202.555.1699 FAX

July 5, 2017

Alexandra Wu, Director
Office of Equal Employment Opportunity
Bureau of Civil Compliance & Regulation
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

RE: EEO Complaint of Leslie Reed
BCCR Case Number EEO-00-13

Dear Ms. Wu,

We represent Leslie Reed in the above referenced matter which is currently pending before you. As of this date, Ms. Reed is dutifully pursuing the informal EEO counseling process in an attempt to resolve the egregious gender harassment and discrimination that she has suffered at the hands of her supervisor, Marvin Winters.

We are writing to you today to request that you amend the pending matter to include additional discriminatory acts undertaken by Marvin Winters against our client. *See* 29 C.F.R. Section 1614.106(d) (2017). On June 29, 2017, Ms. Reed respectfully requested that she be transferred to a different work location to accommodate her disability. Without even engaging in the interactive dialogue required under the Rehabilitation Act of 1973, Marvin Winters denied her request.

Our client suffers from asthma, a condition which has worsened as a result of the severe stress and humiliation she has suffered because of Marvin Winters. When Ms. Reed began working for Marvin Winters, he assigned her to a work area that was dusty and situated under an air vent. Although Ms. Reed worked for several months without aggravation of her medical condition, her condition has now

worsened and she has had to seek medical attention for her deteriorating condition. On advice of counsel, Ms. Reed requested that Mr. Winters transfer her to a different work location as an accommodation for her disability. Outrageously, Mr. Winters refused without even discussing Ms. Reed's need for an accommodation.

EEOC regulations require that you amend the pending matter to include these latest incidents of harassment. These are just more examples of the abhorrent harassment and humiliation our client has endured at the hands of Marvin Winters. We respectfully request that you immediately take all appropriate actions to end the harassment and provide Ms. Reed the appropriate compensation for the injuries she has suffered.

Your immediate consideration of this matter is appreciated. If you have any questions, please do not hesitate to contact me at the number above.

Respectfully,



Attorney at Law
MEP/gwb

SECTION 1-d
REQUEST TO AMEND

PEARCE, LETTVICH AND VINE, P.C.

1100 PENNSYLVANIA AVENUE, N.W.

SUITE 700

WASHINGTON, D.C. 20005

202.555.1600

202.555.1699 FAX

October 1, 2017

Alexandra Wu, Director
Office of Equal Employment Opportunity
Bureau of Civil Compliance & Regulation
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

RE: EEO Complaint of Leslie Reed
BCCR Case Number EEO-00-13

Dear Ms. Wu,

We represent Leslie Reed in the above referenced matter which is currently pending before you. As of this date, Ms. Reed is dutifully cooperating in the investigation of this complaint in an attempt to resolve the egregious gender harassment and discrimination that she has suffered at the hands of her supervisor, Marvin Winters.

We are writing to you today to request that you amend the pending matter to include additional discriminatory acts undertaken by Marvin Winters against our client. See 29 C.F.R. Section 1614.106(d) (2017). These acts were reported to the EEO Investigator during the interview with Ms. Reed. However, due to the Investigator's gross misunderstanding of the administrative process, he failed to include these incidents in the investigation, and we have been forced to make a written request to you.

Since late July 2017, Ms. Reed has not been assigned preparation of press releases, which is one of her normal job duties. Instead, these assignments have been given to one of Ms. Reed's tormentors, Roger Meany. In addition, the Office of Regulatory Review has been tasked with updating all of its business publications.

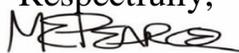
New Investigator Training

While this work would naturally fall within the scope of Ms. Reed's duties, this assignment has instead been given to Roger Meany to complete, even though the work involves areas of Ms. Reed's expertise. The Director of the Office of Regulatory Review, Marvin Winters, is responsible for these continuing incidents of harassment.

Additionally, in November of last year, Ms. Reed's mother, Mrs. Yican Reed, was involved, and suffered physical injury, in a widely publicized subway train accident. Although she has passed the critical phase of her recovery, this accident has caused Mrs. Reed severe loss in motor function and she continues to experience chronic back pain. She is currently undergoing physical therapy for her injuries. Ms. Reed, as Mrs. Reed's caregiver, is tasked with taking her mother to her physical therapy appointments. Mr. Winters has indicated an unwillingness to allow liberal leave for this purpose, has continued to reassign job duties, and has furthered his harassing behavior by suggesting to fellow employees that Mrs. Reed is under psychiatric care ("therapy") for her "women's issues" as well as chronic pain related to her injuries. We contend that Mr. Winters is continuing his harassment of Ms. Reed through the acquisition and use of her family medical history, which he has also failed to keep confidential.

EEOC regulations require that you amend the pending matter to include these latest incidents of harassment. We respectfully request that you immediately take all appropriate actions to end the abhorrent harassment our client has suffered because of Mr. Winters and provide Ms. Reed the appropriate compensation for the injuries she has suffered.

Your immediate consideration of this request is appreciated. If you have any questions, please do not hesitate to contact me at the number above.

Respectfully,


M. E. Pearce
Attorney at Law
MEP/gwb

SECTION 2

EEO COUNSELOR'S REPORT AND DOCUMENTS GENERATED DURING COUNSELING

SECTION 2-a

EEO COUNSELOR'S REPORT
(EEO-00-13)

**BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
EEO COUNSELOR'S REPORT
29 C.F.R. § 1614.105**

I. REQUIRED ELEMENTS

A. AGGRIEVED INDIVIDUAL

Name: **Leslie Reed**

Agency Case No.: **EEO-00-13**

Job Title/Series/Grade: **Public Affairs Specialist, GS-12/1**

Place of Employment: **Office of Regulatory Review, Bureau of Civil
Compliance & Regulation MD - ORR - 02
2518 Grover Cleveland Parkway
Alexandria, VA 22399**

Work Phone No: **703-366-5543**

Home Phone No: **301-555-1544**

Home Address: **2801 Olive Grove Way
Farview, MD 20644**

B. CHRONOLOGY OF EEO COUNSELING

Date of Initial Contact: **June 1, 2017**

Date of Initial Interview: **June 8, 2017**

Date of Alleged Discriminatory Event: **March 19, 2006,
and continuing; last event June 1, 2017**

45th Day After Event: **N/A**

Reason for delayed contact beyond 45 days, if applicable: **N/A**

Date Counseling Report Requested: **July 18, 2017**

Date Counseling Report Submitted: **July 28, 2017**

C. BASIS(ES) FOR ALLEGED DISCRIMINATION

- 1) Race(Specify)_
- 2) Color (Specify)_
- 3) National Origin (Specify)_
- 4) Sex (Specify) Female
- 5) Age (Date of Birth)_
- 6) Mental Disability (Specify)_
- 7) Physical Disability (Specify)_
- 8) Religion (Specify)_
- 9) Retaliation (Identify earlier event and/or opposed practice, give date) _

D. PRECISE DESCRIPTION OF THE ISSUE(S) COUNSELED

Ms. Reed alleges that she has been harassed because of her sex by her supervisor since she began employment in the Office of Regulatory Review.

E. REMEDY REQUESTED

Removal of supervisor from supervisory position; restitution of leave taken to escape harassment.

F. EEO COUNSELOR'S CHECKLIST - THE COUNSELOR ADVISED THE AGGRIEVED PERSON IN WRITING OF THE RIGHTS AND RESPONSIBILITIES CONTAINED IN THE EEO COUNSELOR CHECKLIST.

See attached, dated June 8, 2017.

II. SUMMARY OF INFORMAL RESOLUTION ATTEMPTS

A. IF THE COUNSELOR ATTEMPTED RESOLUTION

1. Personal Contacts

Leslie Reed, Complainant

Marvin Winters, Director, Office of Regulatory Review

2. Documents Reviewed

None.

3. Summary of Informal Resolution Attempt

- Met with Ms. Reed on June 8, 2017 and July 5, 2017. At the initial interview, Ms. Reed described several incidents with her supervisor, Marvin Winters, which she believes are harassment. According to Ms. Reed, Mr. Winters has repeatedly called her “stupid broad” and made other rude comments. He has refused to stop similar comments made by Ms. Reed’s male co-workers. He has also criticized her work since the very beginning and questioned her intrusively about sick leave.

Ms. Reed finally decided to contact the EEO office after reading BCCR’s new policy on sexual harassment, which she read on June 1, 2017. On that same day, according to Ms. Reed, Mr. Winters gave her a counseling memorandum regarding her attendance. Ms. Reed burst into tears when given the counseling memorandum. Mr. Winters later withdrew the memorandum but, according to Ms. Reed, has continued to harass her about her work product and attendance. Ms. Reed stated that she is experiencing medical problems as a result of the stress caused by Mr. Winters and has had to take leave as a result. She refused to be more specific because she fears Mr. Winters will use the information against her and the harassment will only get worse. Ms. Reed requested that Mr. Winters be transferred out of a supervisory position and that all her leave

be restored. She also stated that she planned to contact an attorney if there was not resolution at this stage.

- Contacted Mr. Winters on June 14, 2017. He was not available to meet until July 15, 2017. He denied harassing Ms. Reed in any manner. He stated that she was on sick leave when one important deadline was coming up and put extra work on his division because she wasn't there. He stated that she's not the great employee she thinks she is, and he thinks she should work in some other division. Mr. Winters denied calling Ms. Reed a stupid broad and claimed that he did not know of any illegal comments being made by male workers in his division. He had read the new policy on sexual harassment and stated he understood his responsibilities as a manager regarding harassment. Mr. Winters further stated that he would not resolve the issues because he had no plans to be transferred out of the division to please Ms. Reed.
- Contacted Ms. Reed on July 15 and advised her of Mr. Winter's position and that the case could not be resolved at this stage. Issued notice of right to file formal complaint.

B. IF AGGRIEVED OPTED FOR ADR, COUNSELOR'S STATEMENT THAT THE ADR PROCESS WAS FULLY EXPLAINED TO THE AGGRIEVED INDIVIDUAL/SUMMARY OF INFORMATION GIVEN TO THE AGGRIEVED INDIVIDUAL AND THE AGENCY BY THE COUNSELOR

SUBMITTED BY:



Lola Fisher, EEO Counselor
MD - EEO - 775
(703) 366-5559

**BCCR - OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
EEO COUNSELOR CHECKLIST**

You have contacted an EEO Counselor regarding an allegation of discrimination. You have certain rights and responsibilities in the informal EEO process. These rights and responsibilities include:

- a. The right to anonymity.
- b. The right to representation throughout the complaint process including the counseling stage. The EEO counselor is not an advocate for either the aggrieved person or the agency but acts strictly as a neutral in the EEO process.
- c. The right to choose between the agency's alternative dispute resolution (ADR) process or EEO counseling, where the agency agrees to offer ADR in the particular case, and information about each procedure.
- d. The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure.
- e. The election requirement in the event that the claim at issue is appealable to the Merit Systems Protection Board (MSPB), i.e., the dispute is a mixed case.
- f. The requirement that the aggrieved person file a complaint within 15 calendar days of receipt of the Counselor's notice of right to file a formal complaint in the event s/he wishes to file a formal complaint at the conclusion of counseling or ADR.
- g. The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination, pursuant to § 1614.201(a).

- h. The right to go directly to a court of competent jurisdiction on claims of sex-based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.**
- i. The right to request a hearing before an EEOC Administrative Judge except in a mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.
- j. The right to an immediate final decision after an investigation by the agency in accordance with § 1614.108(f).
- k. The right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 days after filing an appeal.
- l. The duty to mitigate damages, e.g., that interim earnings or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.
- m. The duty to keep the agency and EEOC informed of his/her current mailing address and to serve copies of appeal papers on the agency.
- n. Where counseling is selected, the right to receive in writing within 30 calendar days of the first counseling contact (unless the aggrieved person agrees in writing to an extension) a notice terminating counseling and informing the aggrieved of:
 - (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice,
 - (2) the appropriate official with whom to file a formal complaint, and

**Sex-based claims of wage discrimination may also be raised under Title VII; individuals so aggrieved may thus claim violations of both statutes simultaneously. Equal Pay Act complaints may be processed administratively under Part 1614. In the alternative, a complainant in the EPA claim may go directly to a court of competent jurisdiction.

- (3) the complainant's duty to immediately inform the agency if the complainant retains counsel or a representative. Any extension of the counseling period may not exceed an additional sixty (60) calendar days.
- o. Where the aggrieved person agrees to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within ninety (90) calendar days of the first contact with the EEO Counselor, whichever is earlier.
 - p. That only those claims raised at the counseling stage or claims that are like or related to those that were raised may be the subject of a formal complaint, and how to amend a complaint after it has been filed.
 - q. The identity and address of the EEOC field office to which a request for a hearing must be sent in the event that the aggrieved person files a formal complaint and requests a hearing pursuant to § 1614.108(g).
 - r. The name and address of the agency official to whom the aggrieved person must send a copy of the request for a hearing. The EEO Counselor should advise the aggrieved person of his/her duty to certify to the Administrative Judge that s/he provided the agency with a copy of a request for a hearing.
 - s. The time frames in the complaint process.
 - t. The class complaint procedures and the responsibilities of a class agent, if the aggrieved person informs the EEO Counselor that s/he wishes to file a class complaint.
 - u. That rejection of an agency's offer of resolution made pursuant to § 1614.109(c) may result in the limitation of the agency's payment of attorney's fees or costs.
 - v. That the agency must consolidate two or more complaints filed by the same complainant after appropriate notice to the complainant. § 1614.606. The EEO Counselor should advise the complainant that

New Investigator Training

when a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint and that the complainant may request a hearing before an EEOC Administrative Judge at any time after 180 days of the filing of the first complaint.

- w. The proper contact to request any needed reasonable accommodations to navigate the EEO process.

You must acknowledge receipt of this notice of your Rights and Responsibilities:

Leslie Reed

Signature of Aggrieved Individual

6/8/2017

Date Notice Received

Please direct any questions to the EEO Counselor you have contacted or to Alexandra Wu, Director of the Office of Equal Employment Opportunity at BCCR.

SECTION 2-b

EEO COUNSELOR'S REPORT

(EEO-00-21)

**BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY EEO
COUNSELOR'S REPORT
29 C.F.R. § 1614.105**

I. REQUIRED ELEMENTS

A. AGGRIEVED INDIVIDUAL

Name: **Leslie Reed**

Agency Case No.: **EEO-00-21**

Job Title/Series/Grade: **Public Affairs Specialist, GS-12/1**

Place of Employment: **Office of Regulatory Review, Bureau of
Civil Compliance and Regulation
2518 Grover Cleveland Parkway
Alexandria, VA 22399**

Work Phone No: **703-366-5543**

Home Phone No: **301-555-1544**

Home Address: **2801 Olive Grove Way
Farview, MD 20644**

B. CHRONOLOGY OF EEO COUNSELING

Date of Initial Contact: **July 5, 2017** (date letter from aggrieved individual's attorney requesting amendment to EEO-00-13 received in EEO Office)

Date of Initial Interview: **July 31, 2017**

Date of Alleged Discriminatory Event: **June 29, 2017**

45th Day After Event: N/A

Reason for delayed contact beyond 45 days, if applicable: N/A

Date Counseling Report Requested: **September 20, 2017**

Date Counseling Report Submitted: **September 25, 2017**

C. BASIS(ES) FOR ALLEGED DISCRIMINATION

- 1) Race (Specify)_
- 2) Color (Specify)_
- 3) National Origin (Specify)_
- 4) Sex (Specify)_
- 5) Age (Date of Birth)_
- 6) Mental Disability (Specify)_
- 7) Physical Disability (Specify) **Asthma** _____
- 8) Religion (Specify)_
- 9) Retaliation (Identify earlier event and/or opposed practice, give date) _____

D. PRECISE DESCRIPTION OF THE ISSUE(S) COUNSELED

Ms. Reed alleges that she was denied an accommodation for her disability when her request for a transfer to different work space was denied by her supervisor on June 29, 2017.

E. REMEDY REQUESTED

Transfer to better work space; removal of supervisor from supervisory position.

F. EEO COUNSELOR'S CHECKLIST - THE COUNSELOR ADVISED THE AGGRIEVED PERSON IN WRITING OF THE RIGHTS AND RESPONSIBILITIES CONTAINED IN THE EEO COUNSELOR CHECKLIST.

See attached, dated July 31, 2017.

II. SUMMARY OF INFORMAL RESOLUTION ATTEMPTS

A. IF THE COUNSELOR ATTEMPTED RESOLUTION

1. Personal Contacts

Leslie Reed, Complainant

Marvin Winters, Director, Office of Regulatory Review

2. Documents Reviewed

None.

3. Summary of Informal Resolution Attempt

- **Met with Ms. Reed on July 31, 2017 and August 31, 2017. At the initial interview, Ms. Reed stated that she has asthma, which she has had since childhood. Since she has worked for Marvin Winters in the Office of Regulatory Review, she has been assigned to a work space that Ms. Reed states is dusty and under an air vent. Because of the continuing stress of the harassment that is the subject of another EEO complaint, Ms. Reed's asthma has worsened. She stated that she has had to see her doctor several times over the past year and has had three very severe asthma attacks in the last five months. She had to take a few days off each time to recover. Ms. Reed's physician gave her an inhaler to use after the last attack. Since using the inhaler, Ms. Reed has not had any asthma attacks.**
- **On June 29, 2017, Ms. Reed approached Marvin Winters, her supervisor and requested that she be transferred to a different work space to avoid the air vent. According to Ms. Reed, Mr. Winters simply looked at her and said no. He refused to discuss it further with her.**
- **Interviewed Mr. Winters on August 11, 2017. He stated that he was not aware that Ms. Reed had asthma and did**

not know her request to be moved was a request for an accommodation. He stated that he believed her absences were due her continuing practice of taking sick leave whenever there was lots of work to do. He denied discriminating against Ms. Reed in any way. He also stated that there is no other space where Ms. Reed can work.

- **Contacted Ms. Reed on August 31 and advised her of Mr. Winter's position and that case could not be resolved at this stage. Issued notice of right to file formal complaint.**

B. IF AGGRIEVED OPTED FOR ADR, COUNSELOR'S STATEMENT THAT THE ADR PROCESS WAS FULLY EXPLAINED TO THE AGGRIEVED INDIVIDUAL/SUMMARY OF INFORMATION GIVEN TO THE AGGRIEVED INDIVIDUAL AND THE AGENCY BY THE COUNSELOR

SUBMITTED BY:



Lola Fisher, EEO Counselor
(703) 366-5559

**BCCR - OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
EEO COUNSELOR CHECKLIST**

You have contacted an EEO Counselor regarding an allegation of discrimination. You have certain rights and responsibilities in the informal EEO process. These rights and responsibilities include:

- a. The right to anonymity.
- b. The right to representation throughout the complaint process including the counseling stage. The EEO counselor is not an advocate for either the aggrieved person or the agency but acts strictly as a neutral in the EEO process.
- c. The right to choose between the agency's alternative dispute resolution (ADR) process or EEO counseling, where the agency agrees to offer ADR in the particular case, and information about each procedure.
- d. The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure.
- e. The election requirement in the event that the claim at issue is appealable to the Merit Systems Protection Board (MSPB), i.e., the dispute is a mixed case.
- f. The requirement that the aggrieved person file a complaint within 15 calendar days of receipt of the Counselor's notice of right to file a formal complaint in the event s/he wishes to file a formal complaint at the conclusion of counseling or ADR.
- g. The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination, pursuant to § 1614.201(a).
- h. The right to go directly to a court of competent jurisdiction on claims of

- sex-based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.**
- i. The right to request a hearing before an EEOC Administrative Judge except in a mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.
 - j. The right to an immediate final decision after an investigation by the agency in accordance with § 1614.108(f).
 - k. The right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 days after filing an appeal.
 - l. The duty to mitigate damages, e.g., that interim earnings or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.
 - m. The duty to keep the agency and EEOC informed of his/her current mailing address and to serve copies of appeal papers on the agency.
 - n. Where counseling is selected, the right to receive in writing within 30 calendar days of the first counseling contact (unless the aggrieved person agrees in writing to an extension) a notice terminating counseling and informing the aggrieved of:
 - (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice,
 - (2) the appropriate official with whom to file a formal complaint, and
 - (3) the complainant's duty to immediately inform the agency if the complainant retains counsel or a representative. Any extension of the counseling period may not exceed an additional 60 calendar days.

** Sex-based claims of wage discrimination may also be raised under Title VII; individuals so aggrieved may thus claim violations of both statutes simultaneously. Equal Pay Act complaints may be processed administratively under Part 1614. In the alternative, a complainant in the EPA claim may go directly to a court of competent jurisdiction.

- o. Where the aggrieved person agrees to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within 90 calendar days of first contact with the EEO Counselor, whichever is earlier.
- p. That only those claims raised at the counseling stage or claims that are like or related to those that were raised may be the subject of a formal complaint, and how to amend a complaint after it has been filed.
- q. The identity and address of the EEOC field office to which a request for a hearing must be sent in the event that the aggrieved person files a formal complaint and requests a hearing pursuant to § 1614.108(g).
- r. The name and address of the agency official to whom the aggrieved person must send a copy of the request for a hearing. The EEO Counselor should advise the aggrieved person of his/her duty to certify to the Administrative Judge that s/he provided the agency with a copy of a request for a hearing.
- s. The time frames in the complaint process.
- t. The class complaint procedures and the responsibilities of a class agent, if the aggrieved person informs the EEO Counselor that s/he wishes to file a class complaint.
- u. That rejection of an agency's offer of resolution made pursuant to § 1614.109(c) may result in the limitation of the agency's payment of attorney's fees or costs.
- v. That the agency must consolidate two or more complaints filed by the same complainant after appropriate notice to the complainant. § 1614.606. The EEO Counselor should advise the complainant that when a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint and that the complainant may request a hearing before an EEOC Administrative Judge at any time after 180 days of the filing of the first complaint.

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w. The proper contact to request any needed reasonable accommodations to navigate the EEO process.

You must acknowledge receipt of this notice of your Rights and Responsibilities:



Signature of Aggrieved Individual

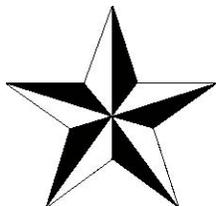
7/31/2017

Date Notice Received

Please direct any questions to the EEO Counselor you have contacted or to Alexandra Wu, Director of the Office of Equal Employment Opportunity at BCCR.

SECTION 2-c

NOTICE OF RIGHT TO FILE
(EEO-00-13)



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

**BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT**

SUBJECT : Notice of Right to File a Discrimination Complaint
(EEO-00-13)

FROM : Lola Fisher, EEO Counselor  **DATE:** July 15, 2017

TO : Leslie Reed

This is to inform you that because the dispute you brought to my attention has not been resolved to your satisfaction, you are now entitled to file an individual or class-based discrimination complaint based on race, color, religion, sex, national origin, physical or mental disability, age, and/or reprisal. If you file a complaint, it must be in writing, signed, and filed within fifteen (15) calendar days after receipt of this notice, with any of the following officials authorized to receive discrimination complaints:

- Alexandra Wu
Director of Equal Employment Opportunity
Bureau of Civil Compliance and Regulation
MD EEO - 777
2518 Grover Cleveland Parkway
Alexandria, VA 22399
- Valerie Simon
Director
Bureau of Civil Compliance and Regulation
MD - OD – 1
2518 Grover Cleveland Parkway
Alexandria, VA 22399

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A complaint shall be deemed timely if it is received or postmarked before the expiration of the 15-day filing period, or, in the absence of a legible postmark, if it is received by mail within five days of the expiration of the filing period.

If you file your complaint with one of the officials listed above (other than the EEO officer), it will be sent to the activity EEO officer for processing. Therefore, if you choose to file your complaint with any of the other officials listed above, be sure to provide a copy of your complaint to the EEO officer to ensure prompt processing of your complaint.

The complaint must be specific and contain only those issues either specifically discussed with me or issues that are like or related to the issues that you discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same claims.

If you retain an attorney or any other person to represent you, you or your representative must immediately notify the EEO officer, in writing. You and/or your representative will receive a written acknowledgment of your discrimination complaint from the appropriate agency official.

If you file a complaint, you should name Valerie Simon as the Agency head.



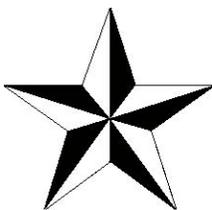
Lola Fisher
EEO Counselor

NOTE:

A copy of this notice must be provided to the EEO officer with the EEO Counselor's report and will be made a part of the complaint file.

SECTION 2-d

NOTICE OF RIGHT TO FILE (EEO-00-21)



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Alexandria, Virginia 22399

**BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT**

SUBJECT : Notice of Right to File a Discrimination Complaint
(EEO-00-21)

FROM : Lola Fisher, EEO Counselor **DATE:** August 31, 2017

TO : Leslie Reed 

This is to inform you that because the dispute you brought to my attention has not been resolved to your satisfaction, you are now entitled to file an individual or class-based discrimination complaint based on race, color, religion, sex, national origin, physical or mental disability, age, and/or reprisal. If you file a complaint, it must be in writing, signed, and filed within fifteen (15) calendar days after receipt of this notice, with any of the following officials authorized to receive discrimination complaints:

- Alexandra Wu
Director of Equal Employment Opportunity
Bureau of Civil Compliance and Regulation
MD EEO - 777
2518 Grover Cleveland Parkway
Alexandria, VA 22399

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- Valerie Simon
Director
Bureau of Civil Compliance and Regulation
MD - OD – 1
2518 Grover Cleveland Parkway
Alexandria, VA 22399

A complaint shall be deemed timely if it is received or postmarked before the expiration of the 15-day filing period, or, in the absence of a legible postmark, if it is received by mail within five days of the expiration of the filing period.

If you file your complaint with one of the officials listed above (other than the EEO officer), it will be sent to the activity EEO officer for processing. Therefore, if you choose to file your complaint with any of the other officials listed above, be sure to provide a copy of your complaint to the EEO officer to ensure prompt processing of your complaint.

The complaint must be specific and contain only those issues either specifically discussed with me or issues that are like or related to the issues that you discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same claims.

If you retain an attorney or any other person to represent you, you or your representative must immediately notify the EEO officer, in writing. You and/or your representative will receive a written acknowledgment of your discrimination complaint from the appropriate agency official.

If you file a complaint, you should name Valerie Simon as the Agency head.



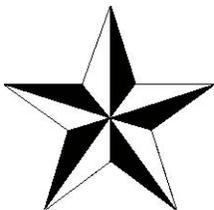
Lola Fisher EEO Counselor

NOTE:

A copy of this notice must be provided to the EEO officer with the EEO Counselor's report and will be made a part of the complaint file.

SECTION 3
CLAIMS TO BE INVESTIGATED

SECTION 3-a
NOTICE OF ACCEPTANCE
(EEO-00-13)



BUREAU OF CIVIL COMPLIANCE & REGULATION

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2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: Leslie Reed

FROM: Alexandra Wu, Director 

DATE: July 28, 2017

SUBJECT: Acceptance of Formal Complaint of Discrimination

This Office received your formal complaint of discrimination that was filed on July 18, 2017. The purpose of this memorandum is to notify you that your complaint has been accepted for investigation. The claim of discrimination that will be investigated has been defined as:

Whether the Agency discriminated against you on the basis of your sex (female) when you were harassed by your supervisor from March 2006 to the present.

If you disagree with the definition of your claim of discrimination as stated above, you must contact the EEO Office immediately. **Your complaint has been accepted as Agency Case Number EEO-00-13. Please use this number in all correspondence and communications regarding your complaint.**

An investigator will be assigned to investigate your claim of discrimination. The investigator must conduct a thorough and impartial investigation of your claim of discrimination. It is important that you cooperate with the investigation and provide the investigator with all relevant information that you believe supports your claim of discrimination. The investigation is required to be completed within 180 days. You will receive a copy of the investigative report at the conclusion of the investigation.

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At the conclusion of the investigation, you have the right to request a hearing before an administrative judge at the United States Equal Employment Opportunity Commission. If you request a hearing before an EEOC administrative judge, you must send that request directly to:

EEOC
Washington Field Office
131 M Street, N.E.
Washington, DC 20507

A copy of your request for a hearing must also be sent to this office. The form for requesting a hearing before an EEOC administrative judge is attached. After the EEOC administrative judge issues a decision, this Office will decide whether to implement or appeal the administrative judge's decision.

If you do not want a hearing before an EEOC administrative judge, you may request a final agency decision. This Office will issue a final agency decision in your discrimination claim.

You may appeal a dismissal, final action or a decision to the EEOC, Office of Federal Operations, by:

Mail to:

Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

Hand Delivery to:

Equal Employment Opportunity Commission
Office of Federal Operations
Appellate Review Programs
131 M Street, NE
Washington, DC 20507

Email to:

ofe.eeoc@eeoc.gov

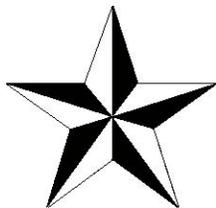
New Investigator Training

Fax to:

Equal Employment Opportunity Commission Office of Federal
Operations
(202) 663-7022

Any questions or concerns about the investigative process may be addressed to me at (703) 366-5500. Additional information about the EEO process is available from this office and from the United States Equal Employment Opportunity Commission (eeoc.gov).

SECTION 3-b
NOTICE OF ACCEPTANCE
(EEO-00-21)



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: Leslie Reed

FROM: Alexandra Wu
Director

DATE: October 5, 2017

SUBJECT: Acceptance of Formal Complaint of Discrimination

This Office received your formal complaint of discrimination that was filed on September 15, 2017. The purpose of this memorandum is to notify you that your complaint has been accepted for investigation. The claim of discrimination that will be investigated has been defined as:

Whether the Agency discriminated against you on the basis of a disability when your request for an accommodation was denied by your supervisor on June 29, 2017.

If you disagree with the definition of your claim of discrimination as stated above, you must contact the EEO Office immediately. **Your complaint has been accepted as Agency Case Number EEO-00-21. Please use this number in all correspondence and communications regarding your complaint.**

THIS COMPLAINT IS BEING CONSOLIDATED FOR INVESTIGATION WITH BCCR CO MPLAINT NUMBER EEO-00-13. The investigator must conduct a thorough and impartial investigation of your complaints of discrimination. It is important that you cooperate with the investigation and provide the investigator with all relevant information regarding your claims of discrimination. The investigation is required to be completed within the earlier of 180 days from today or 360 days from the date EEO-00-13 was filed. You will receive a copy of the investigative report at the conclusion of the investigation.

New Investigator Training

At the conclusion of the investigation, you have the right to request a hearing before an administrative judge at the United States Equal Employment Opportunity Commission. If you request a hearing before an EEOC administrative judge, you must send that request directly to:

EEOC
Washington Field Office
131 M Street, NE
Washington, DC 20507

A copy of your request for a hearing must also be sent to this office. The form for requesting a hearing before an EEOC administrative judge is attached. After the EEOC administrative judge issues a decision, this Office will decide whether to implement or appeal the administrative judge's decision.

If you do not want a hearing before an EEOC administrative judge, you may request a final agency decision. If requested, or if you do not request a hearing, this Office will issue a final agency decision in your discrimination claim.

You may appeal a dismissal, final action or a decision to the EEOC, Office of Federal Operations by:

Mail to:

Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

Hand Delivery to:

Equal Employment Opportunity Commission
Office of Federal Operations
Appellate Review Programs
131 M Street, NE
Washington, DC 20507

New Investigator Training

Email to:

ofo.eeoc@eeoc.gov

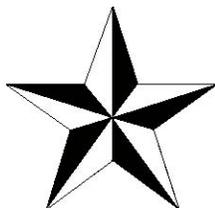
Fax to:

Equal Employment Opportunity Commission
Office of Federal Operations
(202) 663-7022

Any questions or concerns about the investigative process may be addressed to me at (703) 366-5500. Additional information about the EEO process is available from this office and from the United States Equal Employment Opportunity Commission (eeoc.gov).

SECTION 3-c

Acknowledgement of Request to Amend



BUREAU OF CIVIL COMPLIANCE & REGULATION

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2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

July 19, 2017

M.E. Pearce
Pearce, Lettvich and Vine, P.C.
1100 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20005

RE: Request to Amend EEO Complaint of Leslie Reed, EEO-00-13

Dear Mr. Pearce:

This office received your request to amend Ms. Reed’s complaint of gender harassment which was filed on July 17, 2017. After careful consideration of the information you provided and the standards set forth by the United States Equal Employment Opportunity Commission in Management Directive 110 (August 5, 2015) at Chapter 5, we have determined that the matter regarding the alleged failure to accommodate Ms. Reed’s disability is not like or related to the pending claim of gender harassment. Therefore, Ms. Reed must seek EEO counseling on her claim of disability discrimination. Please note that all procedures regarding the processing of EEO complaints will apply to the claim of disability discrimination.

If Ms. Reed files a formal complaint on the disability claim, that complaint will be consolidated with EEO-00-13 for investigation. At that time, the investigation will be completed within the earlier of 180 from the date the second complaint was filed or 360 days from the date of the first complaint. Ms. Reed may request a hearing before an EEOC Administrative Judge at any time after 180 days from the date of EEO-00-13. If you have any questions, please call me at (703) 366-5500.

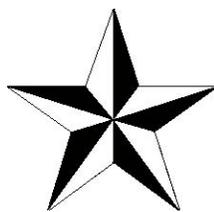
Sincerely,

Alexandra Wu, Director

Office of Equal Employment Opportunity

SECTION 3-d

Acknowledgement of Request to Amend



BUREAU OF CIVIL COMPLIANCE & REGULATION

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2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

October 4, 2017

M.E. Pearce

Pearce, Lettvich and Vine, P.C.

1100 Pennsylvania Avenue, NW, Suite 700

Washington, DC 20005

RE: Request to Amend EEO Complaint of Leslie Reed, EEO-00-13

Dear Mr. Pearce:

On October 4, this office received your request to amend Ms. Reed’s complaint of gender harassment which was filed on July 17, 2017. After careful consideration of the information you provided and the standards set forth by the United States Equal Employment Opportunity Commission in Management Directive 110 (August 5, 2015) at Chapter 5, we have determined that the additional allegations raised are sufficiently like or related to the pending harassment complaint. Therefore, the harassment claim will be amended to include these allegations. There is no requirement that Ms. Reed seek EEO counseling on these additional allegations.

The EEO Investigator assigned to investigate the pending complaint will be notified of this decision. We remind you that all parties are required to cooperate with the EEO Investigator or sanctions may be imposed up to and including dismissal of the complaint pursuant to EEOC Regulation 29 C.F.R. Section 1614.107. The investigation of this complaint will be completed within the earlier of 180 from the date the amendments were filed or 360 days from the date of the first complaint. Ms. Reed may request a hearing before an EEOC Administrative Judge at any time after 180 days from the date of EEO-00-13 was originally filed.

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If you have any questions, please call me at (703) 366-5500.

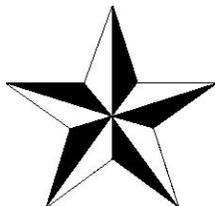
Sincerely,

A handwritten signature in black ink, appearing to read "Alexandra Wu", written over a horizontal line.

Alexandra Wu, Director
Office of Equal Employment Opportunity

SECTION 3-e

**ASSIGNMENT AND AUTHORITY TO
INVESTIGATE
(EEO-00-13)**



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: EEO Investigator

FROM: Alexandra Wu, Director Office of Equal Employment Opportunity 

Date: July 28, 2017

SUBJECT: Assignment and Authorization to Investigate Complaint of Leslie Reed

You have been assigned to investigate the discrimination complaint filed by Leslie Reed on July 17, 2017. The complaint is docketed as **Agency Case Number EEO-00-13**.

The claim accepted for investigation is:

Whether the Agency discriminated against Leslie Reed on the basis of her sex (female) when she was harassed by her supervisor beginning in March 2006 and continuing to the present.

You must complete a thorough investigation of this complaint within 180 days from July 17, 2010. If appropriate, this office and the complainant may agree to an extension of not more than 90 days. Failure to timely and/or thoroughly investigate this discrimination claim may result in sanctions against BCCR. *See* 29 C.F.R. Section 1614.108; EEOC Management Directive 110, Chapter 5.

The EEO Counselor’s Report, the formal complaint, the acceptance letter and other processing documents are attached. If the complainant raises a new incident of alleged discrimination during the investigation, you must instruct the complainant to submit a letter to me, the agency’s EEO Director, describing the new allegations and stating that s/he wished to amend the complaint to include the new allegations. **YOU SHOULD NOT INVESTIGATE THE ADDITIONAL ALLEGATIONS**

New Investigator Training

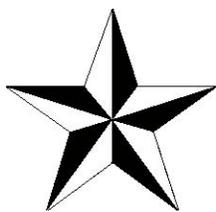
UNTIL NOTIFIED BY THIS OFFICE. You may advise the complainant that I will determine how the new allegations will be processed.

You are authorized to conduct the investigation of this complaint. You have the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without a promise of confidentiality. You have the authority to collect documents relevant to the claim of discrimination. At the conclusion of the investigation, you must submit a completed Investigative Report assembled as outlined in Chapter 6, Section VIII, pages 20-23 of EEOC MD 110. Your Investigative Report must include a summary of the investigation and all evidence you collected. An authorization memorandum is attached.

If you have any questions or concerns about the conduct of your investigation, please contact me immediately.

SECTION 3-f

**ASSIGNMENT AND AUTHORITY TO
INVESTIGATE
(EEO-00-13)**



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“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: EEO Investigator

FROM: Alexandra Wu, Director Office of Equal Employment Opportunity 

Date: October 4, 2017

SUBJECT: Amendment to Complaint of Leslie Reed, EEO-00-13

You have been assigned to investigate the discrimination complaint filed by Leslie Reed referenced above. Ms. Reed has requested that the complaint be amended to include additional allegations. After careful consideration, we have determined that the new allegations are like or related to the pending gender harassment complaint. You are directed to include these additional allegations of harassment in your investigation:

Whether since late July 2017, the Agency discriminated against Ms. Reed, based on her sex, by not assigning to her preparation of press releases, which is one of her normal job duties; and

Whether the Agency discriminated against Ms. Reed, based on her sex, when she was denied the opportunity to work on updating ORR’s business publications, which is within the scope of her duties and expertise.

You must complete a thorough investigation of the amended complaint within the earlier of 180 days from the date of the amendments or 360 days from the date EEO-00-13 was filed. If appropriate, this office and the complainant may agree to an extension of not more than 90 days. Failure to timely and/or thoroughly

New Investigator Training

investigate this discrimination claim may result in sanctions against BCCR. See 29 C.F.R. Section 1614.108; EEOC Management Directive 110, Chapter 5.

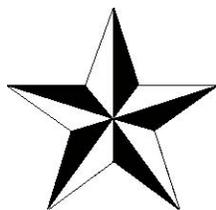
If the complainant raises a new incident of alleged discrimination during the investigation, you must instruct the complainant to submit a letter to me, the agency's EEO Director, describing the new allegations and stating that s/he wishes to amend the complaint to include the new allegations. **YOU SHOULD NOT INVESTIGATE THE ADDITIONAL ALLEGATIONS UNTIL NOTIFIED BY THIS OFFICE.** You may advise the complainant that I will determine how the new allegations will be processed.

You are authorized to conduct the investigation of this complaint. You have the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without a promise of confidentiality. You have the authority to collect documents relevant to the claim of discrimination. At the conclusion of the investigation, you must submit a completed Investigative Report assembled as outlined in Chapter 6, Section VIII, pages 20-23 of EEOC MD 110. Your Investigative Report must include a summary of the investigation and all evidence you collected.

If you have any questions or concerns about the conduct of your investigation, please contact me immediately.

SECTION 3-g

**ASSIGNMENT AND AUTHORITY TO
INVESTIGATE
(EEO-00-21)**



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

BCCR OFFICE of EQUAL EMPLOYMENT OPPORTUNITY

TO: EEO Investigator

FROM: Alexandra Wu, Director 
Office of Equal Employment Opportunity

Date: October 5, 2017

SUBJECT: Assignment and Authorization to Investigate Complaint of Leslie Reed

You have been assigned to investigate the discrimination complaint filed by Leslie Reed. The complaint is docketed as **Agency Case Number EEO-00-21**. The EEO Counselor’s Report, the formal complaint, the acceptance letter and other processing documents are attached.

The claim accepted for investigation is:

Whether the Agency discriminated against Leslie Reed on the basis of disability when her request for an accommodation was denied by her supervisor on June 29, 2017.

THIS COMPLAINT IS BEING CONSOLIDATED FOR INVESTIGATION WITH BCCR CO MPLAINT NUMBER EEO-00-13. You must complete a thorough investigation of both complaints within the earlier of 180 days from the date EEO-00-21 was filed or 360 days from the date EEO-00-13 was filed. If appropriate, this office and the complainant may agree to an extension of not more than 90 days. Failure to timely and/or thoroughly investigate this discrimination claim may result in sanctions against BCCR. *See* 29 C.F.R. Section 1614.108; EEOC Management Directive 110, Chapter 5.

New Investigator Training

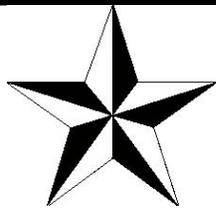
If the complainant raises a new incident of alleged discrimination during the investigation, you must instruct the complainant to submit a letter to me, the agency's EEO Director, describing the new allegations and stating that s/he wished to amend the complaint to include the new allegations. **YOU SHOULD NOT INVESTIGATE THE ADDITIONAL ALLEGATIONS UNTIL NOTIFIED BY THIS OFFICE.** You may advise the complainant that I will determine how the new allegations will be processed.

You are authorized to conduct the investigation of this complaint. You have the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without a promise of confidentiality. You have the authority to collect documents relevant to the claim of discrimination. At the conclusion of the investigation, you must submit a completed Investigative Report assembled as outlined in Chapter 6, Section VIII, pages 20-23 of EEOC MD 110. Your Investigative Report must include a summary of the investigation and all evidence you collected.

An authorization memorandum is attached.

If you have any questions or concerns about the conduct of your investigation, please contact me immediately.

SECTION 3-h
AUTHORITY TO INVESTIGATE
(EEO-00-13)



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

**OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
AUTHORITY TO INVESTIGATE**

RE: Leslie Reed v. BCCR
BCCR EEO-00-13

Leslie Reed, an employee of the Bureau of Civil Compliance & Regulation, has filed a discrimination complaint alleging harassment on the basis of sex (female). An EEO Investigator has been assigned to investigate this complaint. I hereby authorize the EEO Investigator to conduct this investigation and to secure affidavits from witnesses.

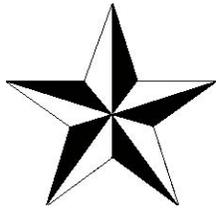
Upon identification, the EEO Investigator will be given your complete cooperation in this investigation. The EEO Investigator has been given authority to investigate all aspects of the complaint. Therefore, you are hereby required to furnish official documentation, factual data and sworn testimony, without a pledge of confidence about matters pertaining to the complaint.

Alexandra Wu, Director
Office of Equal Employment Opportunity

cc: Leslie Reed

SECTION 3-i

AUTHORITY TO INVESTIGATE
(EEO-00-21)



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

**OFFICE of EQUAL EMPLOYMENT OPPORTUNITY
AUTHORITY TO INVESTIGATE**

RE: Leslie Reed v. BCCR
BCCR EEO-00-21

Leslie Reed, an employee of the Bureau of Civil Compliance & Regulation, has filed a discrimination complaint alleging discrimination on the basis of disability. An EEO Investigator has been assigned to investigate this complaint. I hereby authorize the EEO Investigator to conduct this investigation and to secure affidavits from witnesses.

Upon identification, the EEO Investigator will be given your complete cooperation in this investigation. The EEO Investigator has been given authority to investigate all aspects of the complaint. Therefore, you are hereby required to furnish official documentation, factual data and sworn testimony, without a pledge of confidence about matters pertaining to the complaint.

A handwritten signature in black ink, appearing to read "Alexandra Wu", written over a horizontal line.

Alexandra Wu, Director
Office of Equal Employment Opportunity

cc: Leslie Reed
M.E. Pearce

SECTION 4

INFORMAL RESOLUTIONS

SECTION 5
APPELLATE ACTIVITY

SECTION 6
INVESTIGATIVE
SUMMARY

Investigative Summary

Reed v. BCCR

INVESTIGATIVE SUMMARY

REED v. BCCR EEO Complaint Nos. EEO-00-13 and EEO-00-21

Leslie Reed (female) filed a formal complaint of discrimination on July 17, 2017 (BCCR Complaint No. EEO-00-13). Section 1-a. The claim accepted for investigation in EEO-00-13 is:

Whether the Agency discriminated against Leslie Reed on the basis of her sex (female) when she was harassed by her supervisor from March 2006 to the present. Sections 1-a, 3-a.

This complaint was amended on October 4, 2017, to include additional incidents of harassment, which are described below. Sections 1-d, 3-d, 3-f.

Whether since late July 2017, the Agency discriminated against Ms. Reed, based on her sex, by not assigning to her preparation of press releases, which is one of her normal job duties; and

Whether the Agency discriminated against Ms. Reed, based on her sex, when she was denied the opportunity to work on updating ORR's business publications, which is within the scope of her duties and expertise.

Leslie Reed filed a second complaint of discrimination on September 15, 2017. The issue accepted for investigation in EEO-00-21 is:

Whether the Agency discriminated against Leslie Reed on the basis of a disability when her request for an accommodation was denied by her supervisor on June 29, 2017. Sections 1-b, 3-b.

The two complaints were consolidated for investigation. Section 3-b.

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Complainant Leslie Reed is a GS-12 Public Affairs Specialist in the Office of Regulatory Review. The Office of Regulatory Review is responsible for monitoring and assessing regulatory revisions proposed by other federal agencies. Complainant was hired in March 2006 by Marvin Winters, the Director of ORR. Prior to March 2006, she worked for a public relations firm in Washington, D.C., doing lobbying for the small business clients of the firm. Sections 7-a, 7-d.

Complainant's job duties in ORR involve drafting responses to Congressional inquiries; writing reports on BCCR regulatory review activities to report to BCCR senior management, Congress, and BCCR's constituents; drafting speeches on a wide range of ORR and BCCR activities concerning business regulation; preparing press releases; handling telephone inquiries from the public; responding to requests for information from other agencies. ORR issues monthly press releases publicizing its oversight activities of other federal agencies. Complainant specializes in small business issues. She is responsible for ensuring that BCCR's activities concerning small business are properly monitored and reported. Sections 1-a, 1-b, 7-a, 7-b.

Complainant works in an area that had been used for storage and is dusty. Her desk is under an air vent. She shared this space with Roger Meany, who was the other Public Affairs Specialist in ORR until he quit in October 2017. Meany's public affairs focus was Fortune 500 companies. Sections 1-a, 1-b, 7-b, 7-e, 7-h.

According to Complainant, Meany was rude to her from the time she started working in ORR. He told Complainant that he resented sharing work space with her. He also told her several times she should not try to get in his way or interfere with his public affairs activities. According to Complainant, Meany believed that the Fortune 500 work is the "heart and soul" of ORR's work, and that small business was only being given attention because a woman was currently in charge of the agency. Sections 1-a, 7-a.

Complainant reported several incidents that have occurred during her tenure in ORR. In July of last year, she arranged for a small business specialist to speak at the quarterly luncheon of ORR employees. After the luncheon, Complainant heard Marvin Winters and others comment that the

luncheon had been a waste of time. Complainant reported that she was very upset by this because she had invited the speaker and because Winters is her supervisor. Sections 1-a, 7-a, 7-d.

Last fall, Complainant and Meany were asked to write a report about ORR's accomplishments. While working on this project, Complainant stated that Meany was very critical of Complainant's writing style and she was forced to rewrite various sections of the report. Meany also made derogatory comments about women when Complainant suggested that the report should include information about the large proportion of small businesses that were being started by women. Specifically, Complainant reported that Meany said that women were incapable of running large companies and were delusional to think they could even run a small business. Sections 1-a, 7-a.

Complainant complained to Marvin Winters about Meany. However, according to Complainant, Winters told Complainant she didn't understand how to write a report and removed her from the project. Meany received a performance award for the report later that fall. Sections 1-a, 7-a.

According to Complainant, Winters has always been very critical of her work. She was required to rewrite her monthly press releases and reports to Congress. The only assignments Winters did not criticize were speeches Complainant wrote for Valerie Simon. Winters told Complainant that she was "too sensitive" to be in a public affairs job and that if she couldn't handle the stress, she should stay at home with her children. Sections 1-a, 7-a.

Complainant reported that she was very upset about Winters' actions regarding the accomplishments report. Complainant has asthma and stated that the stress caused her to begin to experience more severe symptoms. Complainant took a few hours off several times during the fall and early winter to see her physician. After trying several different medications without success, Complainant was finally able to take Ventolin 220 mg. twice daily, which controls her symptoms. Complainant stated that she does not experience any side effects from this medication. Sections 1-a, 1-b, 7-a, 7-b.

Complainant also states that in early November 2016, her mother was injured in a subway train crash. Complainant's mother interviewed by one of the news stations. According to Mr. Winters, he witnessed the television interview with Complainant's mother. Complainant adds that after this incident, she had the additional responsibility for taking her mother to physical therapy for her injuries.

According to Complainant, Winters approved her sick leave at first, but after the fifth request in early December, however, Winters started questioning why she had to see her doctor so often. In January 2017, he asked Complainant if she was really in therapy to learn how to deal with all the female problems women had. Complainant stated that she was shocked and very upset by these questions. She told Winters about her asthma and that she was having a hard time finding a medication that controlled my symptoms. Complainant informed Winters that she did not appreciate his question. Sections 1-a, 1-b, 7-a, 7-b.

Complainant also contends that she heard Mr. Winters tell Mr. Meany that "[her medical issues] must it must run in the family because her mother is also in therapy."

Complainant stated that Winters also made derogatory comments about Valerie Simon, the head of BCCR. Complainant reported that Winters frequently referred to Ms. Simon as "chief bitch" and "the broad in charge." Sections 1-a, 7-a.

Complainant stated that Winters' treatment of her made it hard to do her job. She stated that the emotional stress she experienced in the springtime caused more severe asthma symptoms. According to Complainant, because of other allergies and the emotional stress, she has had asthma attacks and was required to take several days of sick leave each time. Her allergist put her on a bronchial inhaler in late May 2017 and she has not had any asthma attacks since using the inhaler. Sections 1-a, 1-b, 7-a, 7-b.

Complainant stated that Meany had stopped speaking to Complainant by spring of this year. Complainant stated that she heard Winters and Roger joking about women always needing to see their doctors and being hypochondriacs. Complainant reported that she heard Winters say that he

thought women's "female problems" were just in their heads and they really just needed to see a shrink who could straighten them out. Section 7-a.

Complainant returned to work from sick leave after Memorial Day. According to Complainant, Meany, who had been given some her work, "blew up" at her because he had to work on a "stupid women's issues" speech for Valerie Simon. Complainant stated she was stunned by Meany's actions and tried immediately to see Winters. According to Complainant, Winters did not listen to her concerns about Meany. Instead he gave her a counseling memorandum about attendance. Complainant reported that she burst into tears and Winters withdrew the memorandum. The memorandum was destroyed. Sections 1-a, 7-a, 7-d.

On June 1, BCCR distributed its new policy on sexual harassment. Section 7-j. The agency does not have an anti-harassment policy that incorporates non-sexual harassment. Complainant read the sexual harassment policy that day. After reading the pamphlet, Complainant stated that she realized that Winters and Meany were harassing her she contacted the EEO office. Sections 1-a, 7-a.

In late July 2017, Winters began assigning all press releases to Meany. He also assigned the update and revision of all business brochures to Meany. Complainant stated that she believes that she is qualified to perform these duties, and that they should also have been assigned to her. Since Meany left BCCR, Winters is working on updating the business brochures and has assigned Complainant some of the press releases Meany previously prepared. Sections 1-c, 7-c, 7-d, 7-e.

[Investigator's Note: I attempted to contact Meany but was not successful.] According to Complainant, Winters has limited his interaction with her since she filed a formal EEO complaint. He only talks to her about the specific work assignments she has. Complainant is frustrated by this because she believes she can do the public affairs work that Meany was doing if Winters would only give her a chance. Sections 7-b, 7-e, 7-g.

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Complainant's asthma was diagnosed in 1987. Her asthma has sometimes interfered with her ability to breathe at different time periods since 1994. Her asthma worsened this year and only after being put on medication earlier this year did Complainant experience any relief from her breathing difficulties. Complainant is not otherwise affected by her asthma. Complainant's attorney has medical documents to support the evidence regarding Complainant's medical condition but has refused to provide the medical documentation until the complaints are assigned to an EEOC Administrative Judge. Sections 1-b, 7-b, 7-e.

On June 29, Complainant asked Winters to be moved to a different work space to get away from the dust. Complainant stated that this request was made to get away from the dust and not because she could not perform her duties in ORR. The request was not a request to be transferred to a different job. Winters did not move Complainant. Sections 1-b, 7-b, 7-d, 7-e.

Complainant stated that she is very upset and angry about the way Marvin Winters has treated her. She stated that it is unfair for Mr. Winters to refuse let her work on other public affairs assignments. Section 7-d.

As relief, Complainant believes that Marvin Winters should be removed as a supervisor because of his poor communications skills and lack of sensitivity. A letter of apology is not good enough. Complainant also requested \$600,000 in compensatory damages for the two complaints and attorney's fees to date of approximately \$8,000. Sections 7-a, 7-e.

Complainant has incurred medical expenses for treatment of her asthma. Sections 7-b, 7-e.

Marvin Winters (male) is the Director of the Office of Regulatory Review at the Bureau of Civil Compliance and Control. He has held that position for 10 years. Section 7-d.

Winters stated that he has not sexually harassed Leslie Reed in any manner. Section 7-d.

Winters stated that his comment that the small business luncheon was a waste of time was based on the fact that he had a very important deadline to meet and did not want to take time out from the project, which was for Valerie Simon, the Director of BCCR. Section 7-d.

Winters reported that he has strong disagreements with Valerie Simon over the direction of ORR's activities. In a fit of anger, Winters stated he may have referred to her by a derogatory term such as "queen bitch." Winters denied that these comments were based on Ms. Simon's sex in any way. Section 7-d.

According to Winters, Complainant has not been an outstanding performer in her Public Affairs job. She often seems confused and has been out of her league on several assignments. Winters did not recall any specific details about the problems in Complainant's written work. Winters stated that as a result of her poor performance, Winters assigned much of Complainant's work to the other Public Affairs Specialist, Roger Meany. For example, Winters reported that since July all press releases were assigned to Meany because Winters could not spend the time rewriting and reviewing Complainant's work, which was not very good. Winters stated that when ORR was asked to update all its business publications in a short time period, Winters assigned that project to Meany because he did not think Complainant was up to the job. Section 7-d.

According to Winters, Meany was not happy with the extra work and made disrespectful comments about Complainant. Winters stated that the problems between Complainant and Meany were a personality conflict. He stated that he did not believe that Complainant's complaints about Meany were about harassment. Section 7-d.

According to Winters, the public affairs work in ORR is very demanding and not everyone can do the job. According to Winters, a good public affairs person must be aggressive, outgoing, and knowledgeable on the issues that affect the kind of people who run big business. Section 7-d.

Winters stated that Complainant told him about her asthma at the same time she was having to miss a lot of work last fall. Winters contacted the Human Resources office about Complainant's excessive use of leave.

Winters asked Human Resources if Complainant could be transferred to a different division because of Meany's numerous complaints about her. There was no vacancy to which Complainant could be transferred. Section 7-d.

On the advice of Human Resources, Winters gave Complainant an informal counseling memorandum on June 1, 2017 about her excessive use of leave. However, Complainant cried when Winters gave it to her and he withdrew it. Winters destroyed the memorandum. Sections 7-a, 7-d. Winters denies telling Meany that Complainant's mother was in therapy, psychological or otherwise. He also denies telling Meany that Complainant's problems "must run in the family."

Winters did not transfer Complainant to a different work space because there was not any other work space to which she could be moved. Tab F-4. Winters read BCCR's sexual harassment policy. According to Winters, Complainant never complained that the things Meany said about her were sexual in nature. Because of that, Winters tried to keep their working relationship civil. Section 7-d.

As relief, Complainant is seeking \$600,000 in compensatory damages for both complaints. She has also incurred attorney's fees of approximately \$8,000. Complainant believes that Winters should be removed from his supervisory position. Complainant has incurred medical expenses for treatment of her asthma. Her attorney will provide the medical documentation to support this claim when the cases are assigned to an EEOC Administrative Judge. Section 7-e.

SECTION 7

EVIDENCE AND DOCUMENTS

Section 7-a

Affidavit

**Leslie Reed
Complainant**

BUREAU OF CIVIL COMPLIANCE & REGULATION

AFFIDAVIT OF LESLIE REED, EEO COMPLAINT No. EEO-00-13

I, Leslie Reed, do solemnly swear and affirm that:

1. My name is Leslie Reed. I am female.
2. I am a GS-12 Public Affairs Specialist in the Office of Regulatory Review at BCCR. The Office of Regulatory Review is responsible for monitoring and assessing regulatory revisions proposed by other federal agencies.
3. I was hired in March 2006 by Marvin Winters, the Director of ORR. Prior to March 2006, I worked for a public relations firm in Washington, D.C. doing lobbying for the small business clients of the firm.
4. My job duties in ORR involve drafting correspondence, speeches, news releases, and other information dissemination activities for the Office of Regulatory Review. ORR issues monthly press releases publicizing its oversight activities of other federal agencies. I specialize in small business issues, which is a new focus for ORR. I have the sole responsibility for ensuring that BCCR's activities concerning small business are properly monitored and reported.
5. I work in an area that had been used for storage. My desk is under an air vent. I share this space with Roger Meany, the other Public Affairs Specialist in ORR. Roger's public affairs focus is Fortune 500 companies.
6. Roger has been rude to me since I started. He told me that he resented sharing work space with me. He also told me several times I should not try to get in his way or interfere with his public affairs activities. Roger believes that the Fortune 500 work is the "heart and soul" of ORR's work, and that small business was only being given attention because a woman was currently in charge of the agency.
7. In July of last year, I attended the quarterly luncheon of ORR employees. I had arranged for a female speaker from the Small Business Administration

to talk about their activities and SBA's interaction with BCCR to eliminate some small business regulations. The speaker was very good. After the luncheon, I heard Marvin Winters and others comment that the luncheon had been a waste of time. I was very upset by this because I had invited the speaker and because Mr. Winters is my boss.

8. Last fall, Roger and I were asked to write a report about ORR's accomplishments. While working on this project, Roger was very critical of my writing style. I was forced to rewrite various sections of the report. Roger also made derogatory comments about women when I suggested that we include information about the large proportion of small businesses that were being started by women. Specifically, Roger said that women were incapable of running large companies and were delusional to think they could even run a small business.
9. I complained to Mr. Winters about Roger. However, Mr. Winters told me that I just didn't understand how to write a report. Mr. Winters then took me off the project. Roger received a performance award for the report later that fall.
10. Mr. Winters has always been very critical of my work. I was required to rewrite my monthly press releases and reports to Congress. The only assignments Mr. Winters did not criticize were speeches I wrote for Valerie Simon. Mr. Winters told me that I was "too sensitive" to be in a public affairs job and that if I couldn't handle the stress, I should stay at home with my children.
11. I was very upset about Winters' actions regarding the accomplishments report. I have asthma and the stress caused me to begin to experience more severe symptoms. I took a few hours off several times during the fall and early winter to see my doctor. After trying several different medications without success to alleviate my symptoms, I was finally able to take Ventolin 220 mg. twice daily, which controls my symptoms.
12. Additionally, in early November 2016, my mother was injured in a devastating subway train crash. The crash was a big deal in our local area, and my mother was even interviewed by one of the news stations. After this incident, I had the additional responsibility for taking my mother to

- physical therapy for her injuries. She experiences chronic pain and she has mobility issues.
13. Initially, Mr. Winters approved my requests for sick leave without question. After the fifth request in early December 2016, however, Mr. Winters started questioning why I had to see my doctor so often. In January, he asked me if I was really in therapy to learn how to deal with all the female problems women had. I was shocked and very upset by these questions. I told Mr. Winters about my asthma and that I was having a hard time finding a medication that controlled my symptoms. I informed Mr. Winters that I did not appreciate his question.
 14. Mr. Winters also made derogatory comments about Valerie Simon, the head of BCCR. He frequently referred to Ms. Simon as “chief bitch” and “the broad in charge.”
 15. The way Mr. Winters treated me made it hard for me to do my job. Although my asthma symptoms had abated by mid-winter, the emotional stress I was feeling by the springtime caused more severe symptoms. As a result, and because of other allergies and the emotional stress, I had three severe asthma attacks in March, April and May of 2017, and was required to take several days of sick leave each time. My allergist put me on a bronchial inhaler in late June and I have not had any asthma attacks since using the inhaler.
 16. By this spring, Roger had stopped speaking to me. I heard Mr. Winters and Roger joking about women always needing to see their doctors and being hypochondriacs. I heard Mr. Winters say that he thought women’s “female problems” were just in their heads and they really just needed to see a shrink who could straighten them out. I also heard him tell Roger that it must run in the family because my mother is also in therapy.
 17. While I was on sick leave, Roger was given some of my work. When I returned to work after a long weekend, Roger blew up at me because he’d had to work on a “stupid women’s issues” speech for Valerie Simon. I was stunned by Roger’s actions and tried immediately to see Mr. Winters.
 18. Instead of listening to my concerns about Roger when I met with Mr. Winters later that week, Mr. Winters gave me a counseling memorandum

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about my attendance. I burst into tears when given this memorandum. Mr. Winters withdrew the memorandum. I do not have a copy of it.

19. Later that same day, I read BCCR's new policy on sexual harassment. After reading the policy, I realized that Mr. Winters and Roger were harassing me, and I decided to contact the EEO office.
20. I believe that Marvin Winters should be removed as a supervisor because of his poor communications skills and lack of sensitivity. I have been very upset by his sexist comments and his refusal to instruct Roger to refrain from making similar comments. I also believe that I am not getting good assignments as part of the continuing harassment. I do not understand how Mr. Winters has been allowed to remain in his position given the provisions of the sexual harassment policy.
21. I have no other information about this case.

I have read the above statement consisting of 4 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Leslie Reed
Name

10/1/2017
Date

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

EEO Investigator
EEO Investigator

10/1/2017
Date

Section 7-b

Supplemental Affidavit on Amended Complaint

**Leslie Reed
Complainant**

BUREAU OF CIVIL COMPLIANCE & REGULATION

**SUPPLEMENTAL AFFIDAVIT (on amended complaint)
OF LESLIE REED
EEO COMPLAINT No. EEO-00-13**

I, Leslie Reed, do solemnly swear and affirm that:

1. My name is Leslie Reed. I am providing this information for the investigation of my amended complaint of discrimination, BCCR Complaint No. EEO-00-13.
2. I believe that Marvin Winters has continued to harass me because of my gender. Since I filed my harassment complaint on July 17, 2017, he has not given me any assignments to prepare press releases.
3. Additionally, Mr. Winters has not allowed me to work on any of the ORR business publication update projects, not even for small business.
4. All of this work has been assigned to Mr. Meany, despite the fact that it falls within my scope of duties and expertise.
5. Further, Mr. Winters told Mr. Meany that I am in psychiatric therapy and that my mother is also in “therapy.” I believe Mr. Winters told this to Mr. Meany because he knew Mr. Meany has a problem with women.
6. I have no other information about this case.

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I have read the above statement consisting of 2 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Leslie Reed

Name

10/12/2017

Date

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

EEO Investigator

EEO Investigator

10/12/2017

Date

SECTION 7-c

**Supplemental Affidavit on Consolidated
Disability Claim**

**Leslie Reed
Complainant**

BUREAU OF CIVIL COMPLIANCE & REGULATION

SUPPLEMENTAL AFFIDAVIT (on consolidated complaint)

LESLIE REED

EEO Complaint Nos. EEO-00-13 and EEO-00-21

I, Leslie Reed, do solemnly swear and affirm that:

1. My name is Leslie Reed
2. I am a GS-12 Public Affairs Specialist in the Office of Regulatory Review at BCCR. The Office of Regulatory Review is responsible for monitoring and assessing regulatory revisions proposed by other federal agencies.
3. I have asthma, which was diagnosed in 1994. My asthma has sometimes interfered with my ability to breathe at different time periods since 1994. My asthma worsened this year because of the ongoing harassment I have experienced in the Office of Regulatory Review. When my asthma has been bad, I have difficulty breathing. My last asthma attack was in May of this year.
4. After the last attack in May 2017, I saw my physician. He prescribed medication that has completely relieved my asthma symptoms. I currently take Ventolin 220 mg. twice a day. My physician also prescribed an Albuterol inhaler if I experience severe asthma symptoms.
5. I do not experience any side effects from these medications. As a result of these medications, I have been free of the breathing difficulty caused by the severe and egregious harassment I have experienced at BCCR.
6. My work area in the Office of Regulatory Review is dusty and BCCR management has refused to move me to a different area. I specifically asked Marvin Winters, the Director of the Office of Regulatory Review and my supervisor, for a transfer to a different work space on June 29, 2017. He refused without providing any explanation.
7. My job duties include drafting responses to Congressional inquiries; writing reports on BCCR regulatory review activities to report to BCCR senior management, Congress, and BCCR's constituents; drafting speeches on a wide range of ORR and BCCR activities concerning business regulation; preparing press releases; handling telephone inquiries from the public;

SECTION 7-d

Affidavit

**Marvin Winters
Director, Office of Regulatory Review**

BUREAU OF CIVIL COMPLIANCE & REGULATION

AFFIDAVIT

MARVIN WINTERS

EEO Complaint Nos. EEO-00-13 and EEO-00-21

I, Marvin Winters, do solemnly swear and affirm that:

1. My name is Marvin Winters. I have been employed by the government for 23 years. I am the Director of the Office of Regulatory Review at the Bureau of Civil Compliance and Control. I have held that position for 10 years.
2. I hired Leslie Reed into the Public Affairs Specialist position last year. Leslie was hired to work on small business issues, which are becoming more important to our national economy.
3. I have not sexually harassed Leslie Reed in any manner.
4. My comment that the small business luncheon was a waste of time was based on the fact that I had a very important deadline to meet and did not want to take time out from the project I was working on. The project was for Valerie Simon, the Director of BCCR.
5. I have strong disagreements with Valerie Simon over the direction of ORR's activities. In a fit of anger, I may have referred to her by a derogatory term such as "queen bitch." These comments were not based on Ms. Simon's sex in any way.
6. Leslie Reed has not been an outstanding performer in her Public Affairs job. She often seems confused and has been out of her league on several assignments. As a result of her poor performance, I have been forced to assign much of Leslie's work to the other Public Affairs Specialist, Roger Meany. For example, since July I assigned all press releases to Roger

because I was unable to spend the time rewriting and reviewing Leslie's work, which was not very good. When ORR was asked to update all its business publications in a short time period, I assigned that project to Roger because I did not think that Leslie was up to the job.

7. Roger Meany has not been happy with the extra work he has had to take on. Roger sometimes made disrespectful comments about Reed. I believe the problems between Roger and Leslie were just a personality conflict. I do not believe that Leslie's complaints about Roger were complaints about harassment.
8. The public affairs work in ORR is very demanding and not everyone can do the job. I believe that to be good in public affairs a person must be aggressive, outgoing, and knowledgeable on the issues that affect the kind of people who run big business.
9. Leslie has taken a large amount of sick leave since last year. Leslie told me about her asthma at the same time she was having to miss a lot of work last fall. I'm sorry she has asthma, but her excessive use of leave caused me to contact the Human Resources office to see what I could do about it. I asked Human Resources if Leslie could be transferred to a different division because of the numerous complaints made by Roger. There was apparently no vacancy where Leslie could be transferred.
10. On the advice of Human Resources, I gave Leslie an informal counseling memorandum about her excessive use of leave. However, Leslie cried and cried when I gave it to her, so I withdrew it. I do not have a copy because I destroyed it.
11. I did not move Leslie to a different work space because there was not any other work space to which she could be moved. Additionally, there was nothing wrong with her space. Roger was okay with that space. Roger is gone now, she should be happy she has the whole space to herself.

New Investigator Training

12. Roger quit recently, so I have had to take on this additional work myself. I have assigned some of the easier press releases to Leslie.
13. I became aware that Leslie's mother was in a train accident when I saw her on a news report of the incident. I did not know then and I still do not know the extent of her injuries. I recall that Leslie said something about pain from the accident. I do know that Leslie takes her mother to therapy since the accident because she has requested leave to do so. I do not recall telling Roger that Leslie's mother was in therapy, psychological or otherwise. I also deny telling Roger that Leslie's problems must run in the family.
14. I have read BCCR's sexual harassment policy. Reed never complained that the things Meany said about Reed were sexual in nature. Because of that, I tried to keep their working relationship civil.
15. I do not have any other information about this matter.

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I have read the above statement consisting of 3 pages. It is true and complete to the best of my knowledge and belief. I have made all necessary corrections and additions, initialing next to each. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties. In accordance with 28 U.S.C. Section 1746, I declare under penalties of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Marvin Winters

Name

10/14/2017

Date

I hereby certify that I obtained the above affidavit in connection with a duly authorized EEO complaint investigation.

EEO Investigator

EEO Investigator

10/14/2017

Date

SECTION 7-e
Rebuttal Affidavit
Leslie Reed
Complainant
(Rebuttal and Relief)

BUREAU OF CIVIL COMPLIANCE & REGULATION

REBUTTAL AFFIDAVIT

LESLIE REED

EEO COMPLAINT Nos. EEO-00-13 and EEO-00-21

I, Leslie Reed, do solemnly swear and affirm that:

1. My name is Leslie Reed. I am providing this information for the investigation of my complaints of discrimination, BCCR Complaint Nos. EEO-00-13 and EEO-00-21.
2. I believe that Marvin Winters has continued to harass me because of my gender. His refusal to assign me to a different work space is part of that continuing harassment.
3. I have not experienced any asthma symptoms since I started taking medication. I am aware that Roger Meany quit BCCR and took a job in private industry. Because Roger left, Mr. Winters is working on updating the business brochures. Mr. Winters has assigned me some of the press releases Meany previously prepared. Mr. Winters has never told me any specifics about what was wrong with my written assignments. I don't know why he thought they had to be rewritten. I have never been asked to rewrite the speeches I wrote for Valerie Simon.
4. Mr. Winters has limited his interaction with me since I filed a formal EEO complaint. He only talks to me about the specific work projects I have been assigned. I find this very frustrating because I can do the public affairs work that Roger Meany was doing if Mr. Winters would only give me a chance.
5. I am requesting \$600,000 in compensatory damages for the two complaints I have filed. My attorney's fees to date are about \$8,000.

SECTION

7-f BCCR

Sexual Harassment Policy



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

BCCR DIRECTIVE: PREVENTION AND ELIMINATION OF SEXUAL HARASSMENT IN THE WORKPLACE

PURPOSE: This Directive assures that BCCR is taking all feasible steps to prevent sexual harassment from occurring and to correct sexual harassment that does occur before it becomes severe or pervasive.

EFFECTIVE DATE: June 1, 2017

ORIGINATOR: Office of Equal Employment Opportunity

AUTHORITY: Title VII of the Civil Rights Act of 1964, as amended, and Executive Order 11478, as amended.

BCCR POLICY:

BCCR has zero tolerance for sexual harassment. It is the policy of BCCR to maintain a work environment that is free from all types of harassment and from retaliation based on opposition to discrimination or participation in discrimination complaint proceedings.

In addition, BCCR will not tolerate any retaliation against any employee for reporting any type of harassment, including sexual harassment, under this or any other policy or procedure, or for assisting any inquiry about such a report.

Definition of Sexual Harassment: For the purpose of this Directive, sexual harassment is defined as any unwelcome verbal or physical conduct of a sexual nature when:

New Investigator Training

- The conduct can reasonably be considered to adversely affect the work environment, or
- An employment decision affecting the employee is based on the employee's acceptance or rejection of such conduct.

This definition is broader than the applicable legal definitions and is based on BCCR's goal of eliminating sexual harassment from the workplace.

Enforcement of this Policy: All BCCR staff are responsible for implementing BCCR's anti-harassment policy and for cooperating fully in its enforcement.

- Employees **MUST NOT** engage in sexually harassing conduct.
- Employees who subjected to sexual harassment should promptly utilize the procedures in this Directive to bring the matter to the attention of management. All employees must cooperate with any inquiry or investigation.
- Supervisors and other management officials must act promptly and effectively to prevent harassment from occurring in the workplace and to correct any harassment that does occur.

Report and Inquiry Procedure:

- Any employee who believes that he or she has been the subject of harassment in violation of this policy may report the matter to a supervisor or management official in his or her office or to the Office of Equal Employment Opportunity (OEEO). All information will be maintained on a confidential basis to the greatest extent possible.
- Employees who know of harassing conduct directed at others may also report the harassment to a supervisor or other management official in their office or to the OEEO.
- A supervisor or other management official who receives a report of harassment shall immediately:

- conduct a preliminary inquiry into whether sexual harassment has occurred;
 - take action to stop any harassing conduct; and
 - notify the Office Director of the report unless the Office Director is implicated in the report.
- A supervisor or other management official who witnesses sexual harassment of an employee who is not subordinate in the chain of command to that supervisor or other management official should immediately notify the employee's Office Director, who will ensure that the above preliminary steps are taken.
 - If a report is made directly to the OEEO, the OEEO shall immediately notify the office(s) implicated in the report and ask such office(s) to immediately take the above preliminary steps.
 - If the initial report was not made to the OEEO, the office receiving a report of sexual harassment must notify the OEEO of the report and initial steps taken by the office no later than one business day following receipt of the report of sexual harassment.
 - The OEEO will monitor inquiries into reports of sexual harassment and assure that they are swift, thorough, impartial and appropriate to the allegation. In most circumstances, the office receiving the report of sexual harassment will be responsible for conducting the inquiry. If appropriate, the inquiry may be conducted by someone outside of the office or by the OEEO. In appropriate cases an investigator from outside BCCR will be appointed.
 - If, based on the inquiry, it is determined that sexual harassment, as defined in this Directive, has occurred, the office(s) implicated in the report, the OEEO, the Office of Human Resources, and the program office will consult to determine appropriate corrective action, as well as any disciplinary action that shall be warranted. A written report will be made to the OEEO regarding the final resolution of each report of sexual harassment.

Statutory and Collective Bargaining Claims

BCCR DIRECTIVE – PREVENTION AND ELIMINATION OF SEXUAL HARASSMENT – JUNE 1, 2017

This policy is in addition to statutory and collective bargaining prohibitions against harassment and the procedures and remedies they provide for addressing unlawful harassment on any basis. Filing a report under this Directive DOES NOT satisfy the requirements to initiate those procedures and obtain remedies pursuant to them, nor does it delay the time limits for initiating procedures. An employee who chooses to pursue statutory or collective bargaining remedies for unlawful harassment must:

- For an EEO complaint pursuant to 29 C.F.R. Part 1614 (available for all claims of harassment other than those based on sexual orientation, contact an EEO counselor in the OEEEO within 45 days of the alleged harassment or personnel action if one is involved; or
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
- Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

If an employee pursues a claim of harassment through the formal EEO process, including EEO counseling, an MSPB appeal or a union grievance, the BCCR official who receives the information about such claim shall immediately notify the OEEEO, unless inconsistent with applicable requirements. The OEEEO shall provide the Office handling the statutory or collective bargaining claim the record of actions taken under this Directive.

INQUIRIES: Any person wanting further information about this Directive may contact the OEEEO at 703-366-5500.

DISTRIBUTION: This Directive shall be distributed to all employees upon issuance and annually thereafter. It shall also be distributed to new employees as part of their orientation on their first day of work.

Valerie Simon

Valerie Simon, Director
Office of Equal Employment Opportunity

SECTION

7-g

BCCR

Accommodations Policy

BUREAU OF CIVIL COMPLIANCE & REGULATION

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2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. 794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others.

Agency responsibilities include:

- Incorporating the new requirements of Section 508 into policy and practice, especially related to procurement and acquisitions;
- Managing administrative complaints; and
- Responding to reporting requirements.

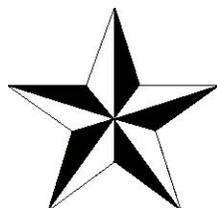
The BCCR is responsible for promoting and providing Information Technology (IT) Services BCCR wide to persons from all walks of life regardless of their disability, and in providing Section 508 Compliance Assistance and Guidance where appropriate. All functional organizations within BCCR have the responsibility and legal liability for Section 508 Compliance and must ensure that all products, including those a contractor develops or supplies in accordance with contract requirements comply with Section 508. Electronic and Information Technology (EIT) Contracts should include requirements for contractors to comply and may include contractor responsibility for testing, but acceptance of a product or service to be compliant is the legal responsibility of the BCCR and more specifically the requesting organization.

To assist in this process the Human Resources Department is in the process of developing policy, standards, and guidance as it relates to 508 compliance within BCCR’s IT operating environment.

SECTION 7-h

OFFICE OF REGULATORY REVIEW

ORGANIZATION CHART



BUREAU OF CIVIL COMPLIANCE & REGULATION
“Protecting America’s Businesses for a Better Tomorrow”
2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

Office of Regulatory Review

Office of the Director

Director

Marvin Winters (SES/ES-2, Male)202-366-5300

Assistant Director

vacant.....202-366-5305

Executive Assistant

Çamilia Claudette (GS-9, Female).....202-366-5300

Public Relations Division

Senior Public Affairs Specialist (GS-15, Vacant)

Public Affairs Specialist

Roger Meany (GS-13, Male).....202-366-5322

Public Affairs Specialist

Leslie Reed (GS-13, Female)202-366-5321

Program Assistant

Joe Sykes (GS-7, Male).....202-366-5325

Review Division

Senior Program Analyst

Mark Fong (GS-15, Male).....202-366-5330

Program Analyst

Joe Bloe (GS-13, Male).....202-366-5333

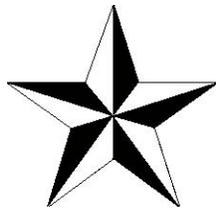
Clerk

Sam Sung (GS-6, Male)202-366-5331

SECTION 7-i

Request for Information

Reed v. BCCR



BUREAU OF CIVIL COMPLIANCE & REGULATION

“Protecting America’s Businesses for a Better Tomorrow”

2518 Grover Cleveland Parkway

Alexandria, Virginia 22399

TO: Rosemary Compton
Personnel Specialist

FROM: EEO Investigator

A handwritten signature in black ink, appearing to be the initials 'EEO' followed by a stylized flourish.

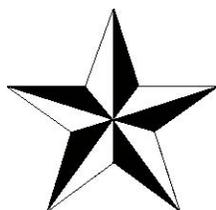
DATE: October 5, 2017

SUBJECT: Request for Information in EEO Complaint of Leslie Reed

I have been assigned to investigate the discrimination complaint of Leslie Reed. In order to fully investigate this complaint, please provide the following information:

2. Copies of BCCR policies on harassment.
3. Copy of the agency policy on reasonable accommodations.
4. An organizational chart for the Office of regulatory Review, BCCR, reflecting staff at the time of the selection. For each employee, please identify job title, grade and gender.

If any of this information is not available, please provide an explanation of what is not available and why. Thank you for your assistance. Please call me at x5575 if you have any questions.



BUREAU OF CIVIL COMPLIANCE & REGULATION
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2518 Grover Cleveland Parkway
Alexandria, Virginia 22399

TO: EEO Investigator

FROM: Rosemary Compton *RC*
Personnel Specialist

DATE: October 10, 2017

SUBJECT: Request for Information in EEO Complaint of Leslie Reed

Attached, I am providing the documents requested for the above referenced matter.

5. Copies of BCCR policy on sexual harassment. The agency does not have any other harassment policy.
6. Copy of the agency policy on reasonable accommodations.
7. An organizational chart for the Office of regulatory Review, BCCR, reflecting staff at the time of the selection. For each employee, please identify job title, grade and gender.

SECTION 7-j

Request for Interview with Roger Meany

New Investigator Training

From: EEO Investigator <eeoi@investigators.com>
To: Roger Meany <rmeany@dout.com>
Date: October 14, 2017
Subject: EEO Complaint

Dear Mr. Meany,

I would like to speak with you concerning a very important matter. I am in the process of conducting an investigation into EEO allegations raised by Leslie Reed, an employee of BCCR. Ms. Reed has filed an EEO complaint alleging, inter alia, that she was subjected to a hostile work environment during her employment with BCCR.

I understand that you are no longer an employee at BCCR, but I believe you may have information that could assist with this investigation. Please assist this investigation by contacting me as soon as possible for an interview. I can be reached by email or at 202-555-5555.

Thank you for taking your personal time and giving attention to this matter.

Regards,
EEO Investigator
Investigators.com

SECTION 8

**PREHEARING
SUBMISSIONS**

SECTION 9

**HEARING
SUBMISSIONS**

SECTION 10

**ADMINISTRATIVE
JUDGE DECISIONS**

SECTION 11
FINAL AGENCY ACTIONS

SECTION 12

MISCELLANEOUS
(non-evidence)

SECTION 12-a
Internet Information
Asthma

Causes

Asthma has no single cause; rather, episodes can be brought on by a variety of factors working alone or in combination. Allergies are the primary offenders. Between 50 and 90 percent of people with asthma have allergies. The most common allergens, or allergy-causing substances, are pollen, grass, dust, mold, tobacco smoke and animal dander. When inhaled, these substances can trigger the release of histamine and other body chemicals, causing an allergic reaction and asthma episodes. Other allergens include chemical fumes; aspirin or aspirin-like compounds, such as phenylbutazone, indomethacin, ibuprofen and other nonsteroidal anti-inflammatory drugs (NSAIDs) and beta blockers; and sulfites, high concentrations of which are found in some prepared foods and liquids. Another factor in allergy-related asthma is heredity. Scientists have discovered a gene that appears to make people susceptible to the disease. Lung infections can also induce asthma. Bronchiolitis, a viral respiratory infection that usually affects children aged two and younger, is a common cause of childhood asthma. Adults may develop asthma as a result of an upper respiratory infection, such as bronchitis. Other asthma triggers include exercise, emotional stress and environmental stresses such as air pollution.

Diagnostic and Test Procedures

To determine if you have asthma, your doctor will probably administer a pulmonary function test, which measures the strength of your exhalation. Normally, a person without asthma can exhale about 75 to 85 percent of the air in the lungs within a second, emptying them within three seconds. However, it takes a person with asthma six or seven seconds to expel all the air from the lungs. The pulmonary function test used most often is called a peak flow test, which takes readings as you exhale into a device called a peak flow meter. Your doctor can prescribe a peak flow meter for you, so that you can monitor your condition at home.

Treatment

If you have asthma, you should see a doctor regularly; for severe episodes, conventional medical treatment is always necessary. However, a number of alternative treatments can be helpful when used in conjunction with conventional therapy.

Conventional Medicine

Following a diagnosis of asthma, your first step should be to work with your doctor to develop a treatment plan. As part of this plan, the physician might ask you to keep a daily diary, noting environmental and emotional factors that bring on asthma episodes. This not only will help the doctor monitor the disease but will help you recognize and avoid your asthma triggers. As with any medical condition, prevention is the best approach.

To treat asthma medicinally, doctors generally prescribe bronchodilators, drugs that help relax the muscles that tighten around the airways. Bronchodilators also help clear mucus from the lungs.

These medications are available in two forms: inhaled and oral. Inhaled bronchodilators, which come in an aerosol or metered-dose inhaler form, resemble epinephrine (the synthetic version of the hormone adrenaline produced by the body). Doctors usually prefer inhaled bronchodilators because they are delivered directly to the lungs, and because they use 1,000 times less medicine than oral forms. Generally, one or two "puffs" relieve the wheezing and chest tightness associated with mild to moderate episodes.

WARNING: Bronchodilators are potent drugs. If overused, they can cause dangerous side effects, such as high blood pressure. If you are using your bronchodilator too often, talk to your doctor. Your asthma needs to be controlled better.

Oral bronchodilators are available in liquid, tablet, or capsule form. They are frequently prescribed for people who cannot tolerate inhaled medication or who suffer from chronic asthma. In severe cases, inhaled or oral corticosteroids may be prescribed, but a doctor needs to monitor this treatment carefully because of serious side effects. Emergencies may require an injection or inhaled dose of epinephrine to help open the lungs' airways.

Anti-inflammatory medications, including mast cell stabilizers and inhaled corticosteroids, are used to prevent asthma symptoms and lead to better control. Leukotriene modifiers are newer asthma drugs that improve airflow and reduce asthma symptoms.

New Investigator Training

If your asthma has been caused by allergies (specially to pollen or stinging insects), your doctor might suggest immunotherapy ("allergy shots"). By gradually exposing your body to a certain allergen through a series of injections, immunotherapy can help your immune system build up defenses; over time, your allergic reactions may lessen or disappear entirely.

Prevention

Learn to identify your triggers: Keep a diary detailing all the environmental and emotional factors that affect you every day over the course of several months. When you have an asthma attack, go back to your diary to see which factor, or combination of factors, might have contributed to it.

Monitor the shifts in your lung capacity at home using a peak flow meter, a device that your doctor can prescribe for you. Alerted to reductions in your ability to exhale, you can take precautions and lessen the severity of an asthma episode.

Avoid foods and drinks that have high concentrations of sulfites, such as beer, wine, wine vinegar, instant tea, grape juice, lemon juice, grapes, fresh shrimp, pizza dough, dried fruits (such as apricots and apples), canned vegetables, instant potatoes, corn syrup, fruit topping and molasses. Some nutritionists recommend that you also steer clear of foods that cause excess mucus production, such as milk. Talk to a dietitian about changing your diet to improve asthma symptoms. Reduce exposure to tobacco smoke. Do not allow smoking in your home or car and avoid public places that permit smoking. Get a flu shot every year to protect against the flu virus, which can trigger asthma.

Call Your Doctor If

You or another person is experiencing an episode of asthma for the first time; asthma is a chronic condition and can be quite serious if not treated properly.

The prescribed asthma medicine does not work in the time it is supposed to; you need a new prescription, or you may be suffering from a severe episode.

You or the person with asthma has a suffocating feeling, making it difficult to talk; nostrils flare, the skin between the ribs appears sucked in, and the lips or the skin under the nails looks grayish or bluish. These are all signs of extreme oxygen deprivation. Get immediate emergency treatment.

What are the most common triggers of asthma?

- 1.4.1 What is intrinsic/extrinsic asthma?
- 1.4.2 Can gastric reflux trigger asthma?
- 1.4.3 What is Occupational asthma?

What are the common triggers of asthma?

The most common triggers of asthma are:

- viral respiratory infections, such as influenza (the flu) or bronchitis;
- bacterial infections, including sinus infections;
- allergic rhinitis;
 - irritants, such as pollution, cigarette smoke, perfumes, dust, or chemicals;
 - sudden changes in either temperature or humidity, especially exposure to cold air;
 - allergens, for people with allergies;
 - emotional upsets, such as stress; and
 - exercise.

What is intrinsic/extrinsic asthma?

Intrinsic and extrinsic asthma are outdated terms which have now been replaced by terms related to the asthma trigger, since the inflammatory response of the airways is the same independent of the cause of the asthma. What was known as extrinsic asthma is now called allergic asthma, while asthma triggered by non-allergic factors, formerly called intrinsic asthma, is separated into such categories as exercise-induced asthma and occupational (chemical- induced) asthma.

Can gastric reflux trigger asthma?

Yes, gastric reflux can act as an irritant which triggers asthma. Reflux, properly known as gastroesophageal reflux, occurs when the liquids in the stomach pass up the esophagus, or feeding tube. Because these liquids are usually highly acidic, they can irritate and inflame the esophagus, and also the airways of the lung, should any of this liquid be aspirated. This irritation can trigger an asthma attack.

Asthma flares caused by reflux are more common at night, for it is easier for material to pass up the esophagus when one is lying down. Some simple treatments

to prevent reflux include raising the head of the bed, not eating close to bedtime, or using either antacids or medications such as ranitidine (Zantac) which reduce the amount of acid produced by the stomach.

What is occupational asthma?

Occupational Asthma is asthma that is caused by sensitization from exposures in the workplace. Asthmatics whose asthma is exacerbated by exposures in the workplace would not be classified as having occupational asthma.

There are over 200 substances that have been documented as causing occupational asthma, but there are probably more that have not been recognized. The substances that are known to cause occupational asthma can be divided into two main categories.

- High molecular weight proteins of animal or plant origins are common causes. Things like animal dander, flour proteins, and animal scales are frequently causing of occupational asthma. These same things are also common causes of non-occupational asthma. These are usually IgE-mediated responses.
- Low molecular weight chemicals that have the ability to bind with proteins or act as haptens are causes of occupational asthma. There may be other mechanisms involved besides the classic IgE-mediated responses as not all those that are sensitized have specific antibody production. Reactions may have reflex, inflammatory, pharmacological, or immunologic pathways or a combination.

Often occupational asthma is difficult to diagnosis. There is may be immediate, late, or biphasic reactions. In late reactions the symptoms may not occur until away from the work place. Frequently the asthma worsens as the workweek progresses and improves over the weekend.

Treatment for occupational asthma is basically the same as any other asthma with a few very important exceptions. For those that have chemically induced asthma from sensitization to that chemical; avoidance of the trigger is e essential. While steroids and other medications are helpful in treating the symptoms, they do not prevent the underlying sensitivity from increasing.

Once sensitized to a substance, some react to minute amounts. Levels below current TLV levels still trigger reactions. For a sensitized individual any exposure can cause symptoms.

Continued exposure to the triggering chemical can cause permanent lung damage, chronic asthmatic conditions, and even death. Medication should never be used to allow the worker to continue to work in an environment where there is exposure to the triggering substance. Early recognition and removal from exposure is essential in preventing long term disability from asthma.

Chemically induced asthma can occur both in the workplace and outside of the workplace. There are many exposures outside of the workplace that there are exposures to chemicals that can induce asthma. Most physicians are not familiar with this type of asthma. For anyone that has chemically induced asthma, avoidance of the trigger is essential.

1.3 How is asthma normally treated?

Treatment of mild asthma usually tries to relieve occasional symptoms as they occur by use of short-acting, inhaled bronchodilators. Treatment of moderate or severe asthma, however, attempts to alleviate both the constriction and inflammation of the airways, through the use of both bronchodilators and anti-inflammatories. Bronchodilators are drugs which open up or dilate the constricted airways, while drugs aimed at reducing inflammation of the airways are called anti-inflammatories.

Taking anti-inflammatory drugs (usually inhaled corticosteroids) daily for moderate to severe asthma is a relatively new approach to treating asthma. The idea behind it is that if the underlying inflammation of the airways is reduced, the bronchi may become less hyperreactive, making future attacks less likely.

Such anti-inflammatory therapy, however, must be taken regularly in order to be effective.

For asthma which is strongly triggered by allergies, allergen avoidance can often greatly reduce the amount of medication needed to control the asthma. Taking anti-allergic medications or taking shots for allergy desensitization are other alternatives. For more information about allergen avoidance

and allergies in general, please see the alt.support.asthma FAQ: Allergies -General Information (still under construction).

1.3.1 How is an acute asthma attack treated?

An acute asthma attack is usually treated by us of bronchodilators to reduce the constriction of the airways. Intravenous adrenalin and theophylline are often given in emergency rooms for this purpose, if short-acting bronchodilators given by nebulizer haven't sufficiently controlled the attack.

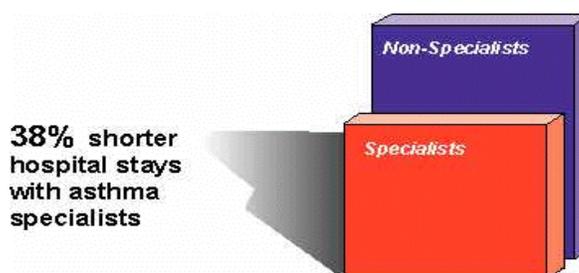
Once the acute attack is over, anti-inflammatories may be used to reduce the inflammation of the airways. Inhaled steroids are usually the first choice, but for a sufficiently severe attack, oral steroids such as prednisone may also be given.

Asthma Treatment Outcomes

When not managed aggressively, asthma is more likely to result in hospitalizations, emergency room visits, and missed work and school days. The cost of hospitalizations alone accounts for more than half of all expenditures for asthma. Further, it has been estimated that more than 80 percent of all resources expended for asthma treatment are used by 20 percent of patients whose disease is not adequately controlled.

Recent studies have shown that patients who are under the care of an allergist experience better outcomes, including:

- Decrease in hospitalizations
- Reduction in the length of hospital stays
- Decrease in emergency room visits
- Decrease in number of sick care office visits
- Decrease in missed work or school days
- Increase in asthma patient personal and work productivity
- Better satisfaction with care and disease management



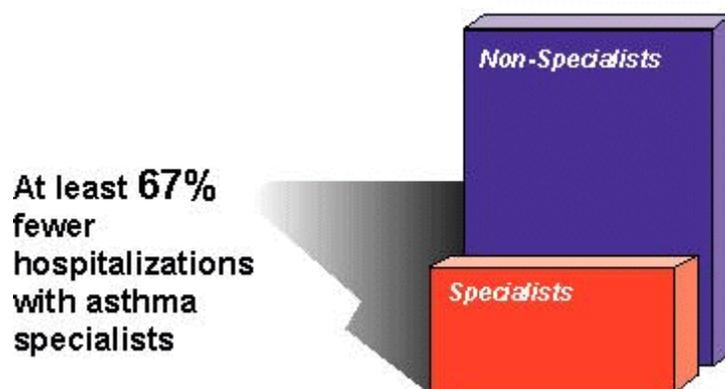
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For example, in a recent study of more than 2,000 asthma patients treated in a managed care organization, patients who were evaluated and followed by allergists required less utilization of resources for acute, uncontrolled disease than patients who were never seen by an allergist, or those who were seen but not actively followed. Another study, involving 15 managed care organizations working with Johns Hopkins University School of Hygiene and Public Health, concluded that patients treated by asthma specialists fare better than those treated by generalists.

Hospitalizations

Asthma is responsible for 468,000 hospital admissions annually. The average length of hospital stay for asthma care is 5 days, for a total of 2.3 million days per year.

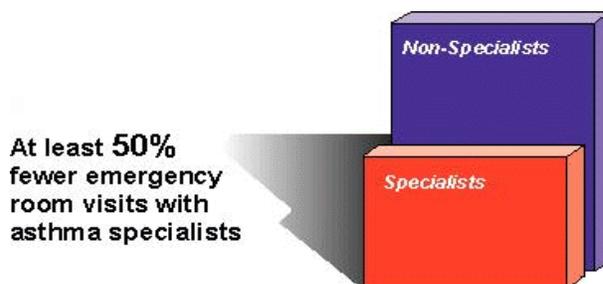
1. Patients under the care of allergists have fewer asthma hospitalizations and shorter lengths of stay. In a recent study, hospital admissions decreased 67 percent and the average length of hospital stay declined 38 percent, from 4 days to 2.5 days, for patients with moderate to severe asthma after they were seen by an allergist. Another study found that 13 percent of asthma patients who received follow-up care by an allergist after hospitalization were hospitalized again, compared to 35 percent of the patients followed by a non-allergist.



2. In a study of children from East Harlem in New York City, where the asthma mortality and morbidity rate are among the highest in the nation, patients who were not under the care of an allergist in an outpatient intervention program had 2.5 times more hospitalizations than their counterparts. Another study of patients who required intubation for asthma found that an aggressive program

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of education, regular outpatient visits with specialists and access to an emergency call service, significantly reduced the number of inpatient hospitalizations. And in a study of patients who had previously required repeated hospital admissions for acute asthma exacerbations, a vigorous medication regimen and intensive patient education program resulted in a three-fold reduction in hospital re-admissions and lengths of stay.



Hospitalizations can be reduced further when specialty care is combined with a comprehensive home and ambulatory management program. A two-year study of children who were provided comprehensive asthma management with specialty care spent an average of 3.67 days in the hospital, compared to 11.2 days for children who did not participate in the program.

Findings of reduced hospitalizations with specialist care have been a byproduct of other studies, including an inpatient rehabilitation program for severe asthmatic children, 13 treatment at an asthma center, 14 and the use of nedocromil sodium (NED) in mild, moderate and severe asthma.

Emergency Room Visits

Despite the availability of new therapies and medications that can prevent acute asthma episodes, many patients require emergency health services to treat uncontrolled exacerbations of the disease. Clinical studies document that emergency room visits for asthma may be the

result of poor disease management. 16,17 Patients who are cared for by asthma specialists invariably require fewer emergency room visits. A study of a Kaiser Health Plan in San Diego compared treatment outcomes for patients who came to



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the emergency room with acute asthma symptoms. Patients who were referred to specialists experienced 50 percent fewer relapses requiring an emergency room visit than patients who continued to be treated by a primary care physician. Other studies also have confirmed that patients require fewer emergency room visits when their care is managed by an allergist:

- A 56 percent decrease in emergency room visits for moderate to severe asthmatics after referral to an allergist.
- A 73 percent reduction in emergency room visits after treatment at an asthma center.
- Emergency room visits for 18 percent of patients treated by allergists, compared to 47 percent of patients treated by non-allergists.
- A decrease from four emergency room visits per year to none following short-term inpatient rehabilitation.
- A 65.9 percent reduction in emergency room visits after the introduction of nedocromil sodium (NED), a medication often prescribed by allergists in aggressive asthma therapy.

Sick Care Office Visits

Annually in America, about 10.4 million physician office visits are for the treatment of asthma. Approximately one-third of those visits are for patients under the age of 18.

A majority of asthma care is given by physicians practicing in primary care: family medicine, pediatrics and internal medicine.

An allergist can reduce the number of sick care office visits for asthma patients. A study of moderate to severe asthma patients in a Kaiser Permanente Health Plan in Denver found sick care office visits were reduced by 45 percent in patients who received follow-up care by an allergist for at least one year.

Missed Work/School Days

Aggressive management of asthma by an allergist also can reduce missed work and school days. One study found that patients treated by an allergist had half as many lost work and school days. In another study, pediatric patients who were supervised by asthma specialists in a comprehensive home and ambulatory program missed 33 percent fewer school days than did patients who were not enrolled in the program @ 16 missed days versus 10.7 missed days.

Quality of Life/Patient Satisfaction

Patients who receive asthma care from an allergist experience improved emotional and activity levels. Allergists' patients also are more satisfied with their physician and general medical care.

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1.1 What is asthma?

1.1.1 What is chronic asthmatic bronchitis?

1.1.2 What is status asthmaticus?

1.1.3 What is anaphylactic shock?

1.1.4 What is COPD?

1.1.5 What is emphysema?

1.1.6 What is bronchitis?

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What is asthma?

Asthma is best described by its technical name: Reversible Obstructive Airway Disease (ROAD). In other words, asthma is a condition in which the airways of the lungs become either narrowed or completely blocked, impeding normal breathing. However, in asthma, this obstruction of the lungs is reversible, either spontaneously or with medication.

Quickly reviewing the structure of the lung: air reaches the lung by passing through the windpipe (trachea), which divides into two large tubes (bronchi), one for each lung. Each bronchi further divides into many little tubes (bronchioles), which eventually lead to tiny air sacs (alveoli), in which oxygen from the air is transferred to the bloodstream, and carbon dioxide from the bloodstream is transferred to the air. Asthma involves only the airways (bronchi and bronchioles), and not the air sacs. The airways are cleaned by trapping stray particles in a thin layer of mucus which covers the surface of the airways. This mucus is produced by glands inside the lung and is constantly being renewed. The mucus is then either coughed up or swept up to the windpipe (trachea) by cilia, tiny hairs on the lining of the airways. Once the mucus reaches the throat, it can again be coughed up or, alternatively, swallowed.

Although everyone's airways have the potential for constricting in response to allergens or irritants, the asthmatic's airways are oversensitive, or hyperreactive. In response to stimuli, the airways may become obstructed by one of the following:

- constriction of the muscles surrounding the airway;
- inflammation and swelling of the airway; or
- increased mucus production which clogs the airway.

Once the airways have become obstructed, it takes more effort to force air through them, so that breathing becomes labored. This forcing of air through constricted airways can make a whistling or rattling sound, called wheezing. Irritation of the airways by excessive mucus may also provoke coughing.

Because exhaling through the obstructed airways is difficult, too much stale air remains in the lungs after each breath. This decreases the amount of fresh air which can be taken in with each new breath, so not only is there less oxygen available for the whole body, but more importantly, the high concentration of carbon dioxide in the lungs causes the blood supply to become acidic. This acidity in the blood may rise to toxic levels if the asthma remains untreated.

What is chronic asthmatic bronchitis?

Chronic asthmatic bronchitis is the condition in which the airways in the lungs are obstructed due to both persistent asthma and chronic bronchitis (see sections 1.0 and 1.0.6). People with this disease generally also have a persistent cough which

brings up mucus. Chronic asthmatic bronchitis which also involves emphysema is usually classified under the more general category of COPD.

What is status asthmaticus?

Status asthmaticus is defined as a severe asthma attack that fails to respond to routine treatment, such as inhaled bronchodilators, injected epinephrine (adrenalin), or intravenous theophylline.

What is anaphylactic shock?

Anaphylactic shock is defined as a severe and potentially life-threatening allergic reaction throughout the entire body. It occurs when an allergen, instead of provoking a localized reaction, enters the bloodstream and circulates through the entire body, causing a systemic reaction. (There may also be an intrinsic trigger, as some cases of exercise-induced anaphylaxis have been reported.)

The symptoms of anaphylactic shock begin with a rapid heart rate, flushing, swelling of the throat, nausea, coughing, and chest tightness. Severe wheezing (asthma), cramping, and a rapid drop in blood pressure follow, which may lead to cardiac arrest. Hives and vomiting are also common features. The treatment for anaphylaxis is intravenous epinephrine (adrenalin), with antihistamines and steroids also being used in selected cases. Aminophylline may also be given for pronounced asthmatic reactions that do not respond to epinephrine.

What is COPD?

COPD is chronic obstructive pulmonary disease, also known as either COAD, for chronic obstructive airway disease, or COLD, for chronic obstructive lung disease. COPD is a disease in which the airways are obstructed due to a combination of asthma, emphysema, and chronic bronchitis. The 1987 Merck Manual notes that "the term COPD was introduced because these conditions often coexist, and it may be difficult in an individual case to decide which is the major one producing the obstruction."

[Maintainer's note: the entries for COPD, emphysema, bronchitis, pneumonia, and cystic fibrosis have been included because of common confusion between the various diseases which can affect the lungs.]

What is emphysema?

Emphysema is the disease in which the air sacs themselves, rather than the airways, are either damaged or destroyed. This is an irreversible condition, leading to poor exchange of oxygen and carbon dioxide between the air in the lungs and the bloodstream.

What is bronchitis?

Bronchitis is an inflammation of the bronchi, the large airways inside the lungs. (Bronchiolitis is the inflammation of the bronchioles, the small airways.) This inflammation often leads to increased mucus production in the airways. Bronchitis is generally caused either by a virus or by exposure to irritants such as dust, fumes, or cigarette smoke. If caused by a virus, the bronchitis will likely be only temporary. In the case of prolonged exposure to irritants, particularly cigarette smoking, if there is permanent damage to the bronchi, bronchitis may become chronic.

What is pneumonia?

Pneumonia is an infection of the lung tissue. In adults, it is generally caused by bacterial infections, though viruses, fungi, and protozoa may also be culprits. The latter microorganisms have become very common as causes of pneumonia in immuno-suppressed persons, such as those with HIV infection. However, for those with chronic illnesses, especially cardiac or respiratory diseases, or those at increased risk for pneumonia, there is a pneumococcal pneumonia vaccination available as a preventive measure for the most common of these bacterial infections, streptococcus pneumoniae. In children, pneumonia is most commonly caused by viruses.

What is cystic fibrosis?

Cystic fibrosis is a disease in which excessive amounts of unusually thick mucus are produced throughout the body. Because this mucus production also occurs in the lungs, people with cystic fibrosis are extraordinarily prone to bacterial infections which result in progressive lung damage. Cystic fibrosis can be diagnosed by a "sweat test" as people with cystic fibrosis have elevated chloride levels in their perspiration. This condition often resembles asthma in children.