

Addressing Workplace Issues: At-A-Glance

The following chart is intended to provide Department of Commerce employees and managers with a quick reference to resources for addressing employment-related issues, concerns, and/or disputes. Employees and managers should not rely solely on the information provided in this chart for guidance. Rather, they should refer to the relevant regulations, policies and procedures cited to ensure that they fully understand, and do not inadvertently waive, any available rights or responsibilities.

Issue/Concern	Where to Go	Resources
General Employment Issues	<p>Employees are encouraged to bring general workplace issues to the attention of their immediate supervisor, prior to pursuing resources outside the organization. If after meeting with the supervisor, the employee believes the issue has not been satisfactorily addressed, s/he should consider raising the issue with the next supervisory level.</p> <p>Employees in a bargaining unit have the option of bringing the matter to the attention of their exclusive representative (union) and have the union discuss the issue with management.</p>	<p>General information on a variety of human resources policies and other work/life issues can be found at: http://hr.commerce.gov/index.htm</p> <p>Employees and managers can obtain information and clarification on general employment questions by contacting their servicing human resources office.</p> <p>For all Departmental policies, procedures, and standard requirements, see: http://hr.commerce.gov/Practitioners/DEV01_006081</p> <p>To determine if they are covered by a negotiated grievance procedure (NGP), employees should contact their servicing human resources office.</p>
Workplace Dissatisfaction	<p>Employees not covered by a NGP may seek redress via the Department's administrative grievance procedure.</p> <p>Employees in a bargaining unit who are dissatisfied with some aspect of employment may seek redress by filing a grievance under the applicable negotiated grievance procedure. Such employees should contact their exclusive representative for further guidance.</p>	<p>Employees not covered by a collective bargaining agreement can find the procedures for initiating an administrative grievance at: http://www.osec.doc.gov/opog/dmp/daos/dao202_771.html</p> <p>To determine if they are covered by the administrative grievance process or a NGP, employees should contact their servicing human resources office.</p>

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Performance Reviews	<p>Employees not covered by a NGP or the NGP specifically excludes the issue of performance ratings are covered by the Department’s administrative grievance procedure (DAO 202-771). If they wish to grieve the performance rating, score, or payout, they must file a Request for Reconsideration in accordance with the Performance Management System Handbook, the Commerce Alternative Personnel System (CAPS) Operating Manual, or the Alternative Personnel Management System (APMS) Operating Manual, as applicable.</p> <p>If they are not satisfied with the decision of the Request for Reconsideration, they must file a formal grievance in accordance with the procedures of the Performance Management Handbook or DAO 202-771, as appropriate.</p> <p>Bargaining unit employees who want to grieve performance related matters must follow the procedures contained in the applicable negotiated grievance procedure. Such employees should contact their exclusive representative for further guidance.</p>	<p>For information on submitting a Request for Reconsideration under the Department’s alternative personnel system (CAPS), see CAPS Operating Manual, page 91 at: http://hr.commerce.gov/s/groups/public/@doc/@cfoasa/@ohrm/documents/content/prod01_009393.pdf</p> <p>See guidance in the Performance Management Handbook, Chapter 9, “Reconsideration” at: http://hr.commerce.gov/Practitioners/PerformanceManagementandAwards/DEV01_006303</p> <p>To determine if they are covered by the administrative grievance process or a NGP, employees should contact their servicing human resources office.</p>
Workplace Bullying or Harassment	<p>Employees who believe they are being bullied or harassed in the workplace by a colleague should immediately bring the behavior to the attention of their manager or supervisor.</p> <p>If an employee believes that someone in her/his management is engaging in the bullying or harassing conduct, s/he is encouraged to report the behavior to the next level in the supervisory chain, or the servicing human resources office.</p>	<p>Supervisors/managers who receive claims of workplace bullying or harassment should take prompt and immediate action to address and correct any inappropriate behaviors before the situation rises to the level of unlawful harassment.</p> <p>Supervisors should also review the Department’s Administrative Order 202-955 (if the allegations include harassment prohibited by Federal law), and take immediate action to determine appropriate next steps, including consultation with the servicing human resource office and the Office of General Counsel. This guidance can be found at: http://www.osec.doc.gov/opog/dmp/daos/dao202_955.html</p>

Any employee who is concerned for her/his safety or the safety of others due to a potential or actual violent situation should contact the Department security office at their workplace (2-2222 in HCHB), Federal Protective Service, or local police immediately.

For additional information on addressing workplace violence, see http://hr.commerce.gov/s/groups/public/@doc/@cfoasa/@ohrm/documents/content/prod01_010323.pdf

If an employee believes that she/he is being subjected to harassment based on a protected characteristic (race, color, religion, sex (including pregnancy discrimination), sexual orientation, gender identity, national origin, age (over 40), genetic information, or disability) s/he should see the information below.

Issue/Concern	Where to Go	Resources
Discrimination, Prohibited Harassment and Retaliation	<p>Employees, or applicants for employment, who believe they are being discriminated against or harassed because of their race, color, religion, gender (including sexual harassment and pregnancy discrimination), sexual orientation, gender identity, national origin, age (40 years of age and over), genetic information, disability, including the provision of reasonable accommodations for qualified applicants and employees with disabilities, and/or retaliation for raising concerns of discrimination should contact their agency's Equal Employment Opportunity(EEO)/Civil Rights Office to discuss their rights.</p> <p>Employees covered by a NGP also have the option of filing a grievance under the NGP. Employees are deemed to have made an election of NGP or EEO with the timely filing of a complaint under whichever forum is elected first. Such employees should contact their exclusive representative for further guidance.</p>	<p>For a listing of EEO Offices and contacts, see: http://www.osec.doc.gov/ocr/CivilRights/EEO/EEO_Officers.html</p> <p>General information regarding the EEO process, including important time limits, can be found at: http://www.osec.doc.gov/ocr/publications/quickfacts/qfeeoprocess.pdf</p> <p>The Department's policy regarding filing discrimination complaints is available at: http://www.osec.doc.gov/opog/dmp/daos/dao215_9.html</p> <p>To determine if they are covered by a NGP, employees should contact their servicing human resources office.</p>

Employees of companies that have a contract or subcontract with Commerce who believe they have been discriminated against because of their race, color, sex, sexual orientation, gender identity, religion, national origin, or disability may contact Commerce's or Bureau/Operational Organization's EEO/CR Offices to discuss their rights.

The employee may also contact the Office of Federal Contract Compliance Programs if s/he believes they have been discriminated against on the bases above and/or their status as a protected veteran.

Alternative dispute resolution (ADR) is available in the EEO process to bring parties together and focus on mutual resolution to the issues in conflict.

Please refer to the EEO resources above and/or the resources below.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, should immediately contact:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov For more information, see: <http://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm>

To learn more about the EEO ADR process, contact the appropriate EEO Office, or review the information at: <http://www.osec.doc.gov/ocr/publications/mediationguide.pdf>

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Allegations of Fraud, Waste, and Abuse	Employees who believe there is fraud, waste, and abuse or mismanagement related to Department programs and operations should report them to the Office of Inspector General (OIG). This includes alleged or suspected wrongdoing by employees, contractors, grantees, recipients of financial assistance, and others involved in the Department's programs and operations.	For information regarding the OIG jurisdiction and procedures, see: http://www.osec.doc.gov/opog/dmp/daos/dao207_10.html OIG complaint information is available at: https://www.oig.doc.gov/Pages/Hotline.aspx
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Whistleblower Retaliation	<p data-bbox="380 136 982 272">If an employee suspects that s/he has been retaliated against for whistleblowing, please contact the OIG Hotline or the U.S. Office of Special Counsel (OSC).</p> <p data-bbox="380 310 982 475">Employees may also file complaints with the OSC, which under the Whistleblower Protection Act has the authority to both investigate and prosecute complaints of reprisal against whistleblowing employees.</p> <p data-bbox="380 789 982 948">Employees covered by a NGP also have the option of filing a grievance about whistleblower retaliation under the NGP. Such employees should contact their exclusive representative for further guidance.</p>	<p data-bbox="989 136 1831 272">For further information, please see OIG's Whistleblower Protection Program page at: https://www.oig.doc.gov/Pages/Whistleblower-Protection-Program.aspx</p> <p data-bbox="989 310 1831 646">OIG also designated a Whistleblower Protection Ombudsperson to educate employees about prohibitions on retaliation for protected disclosures, as well as the rights and remedies against retaliation for protected disclosures for those who have made or are contemplating making a protected disclosure. Employees can contact (202)482 -1099 or at wpo@oig.doc.gov for more information on whistleblower protections, rights, and remedies. Please note that the Whistleblower Protection Ombudsperson is not permitted to act as a legal representative, agent, or advocate for current or former employees.</p> <p data-bbox="989 683 1831 748">For information on the OSC and its jurisdiction visit: https://osc.gov/</p> <p data-bbox="989 786 1831 850">To determine if they are covered by a NGP, employees should contact their servicing human resources office.</p>

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Prohibited Personnel Practices	<p data-bbox="380 1024 982 1425">Employees who believe that they have been subjected to employment-related activities that are prohibited in the federal workforce because they violate the merit system or its principles, including discrimination based on marital status and political affiliation, coercing political activities, obstructing competition, granting unfair advantage, nepotism, affecting veteran's preference requirements, and imposing non-disclosure agreements that do not permit whistleblowing, should bring these to the attention of the OSC.</p>	<p data-bbox="989 1024 1831 1089">Information on OSC's prohibited personnel practices jurisdiction can be obtained at: https://osc.gov/Pages/PPP.aspx</p>

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Hatch Act Violations	<p>Employees who believe that other employees have engaged in prohibited partisan political activities on Government premises, during duty hours, or with the use of Government resources or have otherwise violated the Hatch Act should bring the matter to the attention of OSC, which has exclusive jurisdiction for investigating, and disciplining employees for Hatch Act violations.</p>	<p>Guidance on the Hatch Act can also be found at https://osc.gov/Pages/PPP.aspx and from the Ethics Law and Programs Division web page at www.commerce.gov/ethics or by contacting an ethics attorney at ethicsdivision@doc.gov.</p>

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Adverse Personnel Actions	<p>Employees who have been removed from Federal service, suspended for more than 14 days, subjected to reductions in grade or pay, furloughed for 30 days or less, or subjected to OPM suitability determinations, the development and use of examinations, qualification standards, tests and other measurement instruments, denials of restoration of reemployment rights, and certain terminations of probationary employees, can appeal these actions to the Merit Systems Protection Board (MSPB).</p> <p>Employees covered by a NGP have the option of appealing to the MSPB or grieving under the applicable NGP.</p> <p>NOTE: Terminations of probationary employees are barred from the scope of the NGP. Such employees should contact their exclusive representative for further guidance.</p>	<p>To learn more about the MSPB and appeals, visit: http://www.mspb.gov/About/about.htm</p> <p>To determine if they are covered by a NGP, employees should contact their servicing human resources office.</p>

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Veterans' Concerns	Employees (and applicants) who are veterans of the armed services or members of its reserve components who encounter issues regarding veteran's preference rights, re-employment rights or other employment issues related to their veterans status, can seek assistance regarding their rights from their exclusive representative, servicing human resource office, the Department of Labor or the MSPB.	<p>To learn more about the MSPB and appeals, visit: http://www.mspb.gov/</p> <p>Veterans can learn more about their rights under the Uniformed Services Employment and Reemployment Rights Act from the Department of Labor at: http://www.dol.gov/vets/programs/userra/userra_fs.htm</p> <p>In addition, veterans with questions or concerns regarding their employment rights under the Veterans Employment Opportunities Act information can obtain information from the MSPB by visiting: http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=367901&version=368534&application=HTML</p>

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