

OCT 17 2014 PM 4:12



Maria Torres-Springer
Commissioner

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October 15, 2014

Ms. Charise L. Hendricks
Executive Director
Equal Employment Practice Commission
253 Broadway, Suite 602

Dear Ms. Hendricks:

The Department of Small Business Services (SBS) is responding to the Equal Employment Practices Commission's (EEPC) Preliminary Determination: Audit, Evaluation and Monitoring of the Department of Small Business Services' **Discrimination Complaint and Investigation Procedures** from January 1, 2012 to December 31, 2013.

SBS has reviewed your findings. In the three instances where the agency was found to be in "**partial compliance**", we have taken the recommended corrective action. These areas are listed below:

1. **Recommendation:** The agency's Complaint Procedure did not include a requirement to serve the respondent with a notice that included the respondent's right to respond to the allegations, and right to be accompanied by a representative of his/her choice.

SBS Response: SBS agrees with EEPC's recommendation and has amended its complaint procedures to include the following language: "The individual(s) accused of discrimination (respondent) will be served with a notice of the complaint which will include notification of the respondent's right to respond to the allegations. The respondent has the right to respond in writing to the allegations in the complaint at any

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time after being served with a copy of the notice of the complaint. A copy of the notice of complaint will be maintained in the complaint file.”

2. **Recommendation**: The agency’s Complaint Procedure did not require an EEO Professional to issue or maintain written confirmation when a complaint is withdrawn or resolved by agreement of the parties.

SBS Response: SBS agrees with EEPC’s recommendation and has amended its complaint procedures to include the following language: A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. Withdrawal of a complaint must be made or confirmed in writing. Written confirmation will be issued when a complaint is withdrawn and a copy of this confirmation will be maintained in the complaint file.” In some instances, the agency EEO Officer will find it appropriate to end the investigation when the complaint is withdrawn. Prior to ending the investigation, the EEO Officer must determine whether the agency should take corrective action to address inappropriate conduct. If the EEO Officer determines that corrective action is required, it may be necessary for the EEO Officer to continue the investigation or recommend action to remedy inappropriate behavior.


3. **Recommendation**: The agency’s Complaint Procedure did not require a Confidential Written Report within 90 days of the date the discrimination complaint was filed.

SBS Response: SBS agrees with EEPC’s recommendation and has amended its complaint procedure to include the following language “The EEO Officer will submit a confidential written report of the complaint investigation to the agency head within 90 days of the date the discrimination complaint was filed. If the confidential report cannot be issued within 90 days, a note shall be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent shall be notified of the delay in writing.”

Additionally, as required in the preliminary report, pursuant to the EEPC audit analysis, I will distribute a memorandum to all SBS staff advising them of the changes implemented by the EEO program.

My staff and I appreciate the courtesy your audit team displayed throughout this process.

Sincerely,



Maria Torres-Springer

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