



**NUMBER:** Directive 0981.2

**SUBJECT:** Mandatory Equal Employment Opportunity (EEO)  
Counselor Training Directive

**DIRECTIVE OWNER:** Office of EEO, Diversity & Inclusion (OEEODI)

**EFFECTIVE DATE:** January 23, 2023

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1. **PURPOSE.** This directive prescribes the U. S. Consumer Product Safety Commission's (CPSC) mandatory training policy for all EEO Counselors.
2. **AUTHORITIES.** 29 C.F.R. § 1614, Equal Employment Opportunity Commission (EEOC) Management Directive 110, *Federal Sector Complaints Processing Manual*, August 5, 2015.
3. **DEFINITIONS.**
  - a. **EEO COUNSELORS.** An EEO Counselor is any agency employee or contractor who, serving as a neutral party, provides aggrieved individuals with their rights and obligations under equal employment opportunity laws, gathers limited data and may attempt an informal resolution where Alternative Dispute Resolution (ADR) is not offered or accepted, pursuant to 29 C.F.R.§ 1614 and the CPSC ADR Policy.
4. **SCOPE.** This directive applies to all CPSC collateral duty and contract EEO Counselors.
5. **RESPONSIBILITIES.** A successful EEO Counselor program requires the cooperation of all interested parties. The principal parties and their primary responsibilities are set forth below. This list is not necessarily exclusive.
  - a. The **Director, OEEODI** shall provide overall supervision to the implementation EEO training program.
  - b. The **EEO Specialist** has the responsibility to:
    - (1) Ensure that all EEO Counselors provide proof of training annually.
    - (2) Keep a database to record attendance at annual training.
    - (3) Assist EEO Counselors in finding training as needed.



- (4) Review proof of EEO Counseling training from all contract counselors.

6. **EEO TRAINING POLICY.**

It is the policy of the CPSC that:

- a. Newly appointed EEO Counselors must attend a minimum of thirty-two (32) hours of EEO Counselor training prior to assuming counseling duties.
- b. In addition to the training for new EEO Counselors, all EEO Counselors are required to receive at least eight (8) hours of continuing EEO Counselor training each fiscal year.
- c. All collateral duty and contract EEO counselors must attend mandatory eight (8) hours of annual EEO Counselor training. All contractors must show proof of their training status before providing services.
- d. The OEEODI is responsible for tracking that all EEO Counselors complete the EEO Counselor training annually.
- e. The EEO Counselor training must include:
  - (1) an overview of the entire EEO process set forth under 29 C.F.R. Part 1614, emphasizing important time frames in the EEO process, providing an overview of counseling class complaints, and analyzing fragmentation issues (see Chapter 5, Section III of MD-110 for a discussion of fragmentation);
  - (2) a review of the roles and responsibilities of an EEO Counselor, as described in MD-110;
  - (3) an overview of the statutes that the Commission applies, including Title VII of the Civil Rights Act of 1964, as amended (prohibiting discrimination on the basis of race, color, religion, sex, or national origin); the Equal Pay Act of 1963 (prohibiting agencies from paying different wages to men and women performing equal work in the same work place); the Age Discrimination in Employment Act of 1967, as amended (prohibiting discrimination against persons age 40 or older); Sections 501 and 505 of the Rehabilitation Act of 1973, as amended (prohibiting discrimination against people with disabilities); and Title II of the Genetic Information Nondiscrimination Act of 2008 (prohibiting discrimination based on genetic information);
  - (4) an explanation of the theories of discrimination, including the disparate treatment, adverse impact, and reasonable accommodation theories, and more detailed instructions concerning class actions and issues attendant to fragmentation;



- (5) a review of the practical development of issues through role-playing or other practices designed to have attendees practice providing EEO counseling, including the initial intake session with an aggrieved person, identifying claims, writing reports, and attempting resolution;
- (6) a review of other procedures available to aggrieved persons including: the right to go directly to court under the Age Discrimination in Employment Act after notice to the Commission; mixed case processing issues, including the right of election; class complaints processing issues; and the negotiated grievance procedure, including the right of election;
- (7) an overview of the remedies available for each law, such as compensatory damages, attorney's fees, and costs available to prevailing parties: and
- (8) an overview of the agency's informal and formal EEO ADR processes.

6. **CANCELLATION.** Not applicable.

**Alexander Hoehn-Saric** Digitally signed by Alexander  
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Alex Hoehn-Saric  
Chair

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Date