



AWARD/CONTRACT		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 350)		RATING		PAGE OF PAGES 1 2	
2. CONTRACT (Proc. Inst. Ident.) NO. EECCN130042				3. EFFECTIVE DATE 10/01/2012		4. REQUISITION/PURCHASE REQUEST/PROJECT NO. 2113FPSLP0130	
5. ISSUED BY CODE		CFASD		6. ADMINISTERED BY (If other than Item 5) CODE		FPPHO	
Equal Employment Opportunity Comm. 131 M Street N.E. 4th Floor Washington DC 20507				Equal Employment Opportunity Comm. 3300 N. Central Avenue Suite 690 Phoenix AZ 85012-2504			
7. NAME AND ADDRESS OF CONTRACTOR (No., Street, City, Country, State and ZIP Code) WHITE MOUNTAIN APACHE TRIBE 1306 INDUSTRIAL PARK RD WHITERIVER AZ 85941				8. DELIVERY <input type="checkbox"/> FOB ORIGIN <input checked="" type="checkbox"/> OTHER (See below)			
				9. DISCOUNT FOR PROMPT PAYMENT			
				10. SUBMIT INVOICES (4 copies unless otherwise specified) TO THE ADDRESS SHOWN IN		ITEM	
CODE 000131		FACILITY CODE					
11. SHIP TO/MARK FOR CODE		PHO00		12. PAYMENT WILL BE MADE BY CODE		GCE	
Phoenix District Office 3300 N. Central Avenue Phoenix AZ 85012-2504				Equal Employment Opportunity Comm. PO Box 8790 Attn: Matthew France Reston VA 20195-8790			
13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: <input type="checkbox"/> 10 U.S.C. 2304 (c) () <input checked="" type="checkbox"/> 41 U.S.C. 253 (c) (5)				14. ACCOUNTING AND APPROPRIATION DATA See Schedule			
15A. ITEM NO	15B. SUPPLIES/SERVICES			15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT
	Continued						
				15G. TOTAL AMOUNT OF CONTRACT		\$26,000.00	
16. TABLE OF CONTENTS							
(X)	SEC.	DESCRIPTION	PAGE(S)	(X)	SEC.	DESCRIPTION	PAGE(S)
PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES			
X	A	SOLICITATION/CONTRACT FORM	1	X	I	CONTRACT CLAUSES	2
X	B	SUPPLIES OR SERVICES AND PRICES/COSTS	1	PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.			
X	C	DESCRIPTION/SPECS./WORK STATEMENT	1	X	J	LIST OF ATTACHMENTS	1
X	D	PACKAGING AND MARKING	1	PART IV - REPRESENTATIONS AND INSTRUCTIONS			
X	E	INSPECTION AND ACCEPTANCE	1		K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
X	F	DELIVERIES OR PERFORMANCE	3				
X	G	CONTRACT ADMINISTRATION DATA	2		L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
X	H	SPECIAL CONTRACT REQUIREMENTS	3		M	EVALUATION FACTORS FOR AWARD	
CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE							
17. <input checked="" type="checkbox"/> CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return 2 copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)				18. <input type="checkbox"/> AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the items listed above and on any condition sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.			
18A. NAME AND TITLE OF SIGNER (Type or print) Ronnie Lupe, WMAT Tribal Chairman				20A. NAME OF CONTRACTING OFFICER Caroline Fowler			
19B. NAME OF CONTRACTOR		19C. DATE SIGNED		20B. UNITED STATES OF AMERICA		20C. DATE SIGNED	
BY  (Signature of person authorized to sign)		7/17/13		BY  (Signature of the Contracting Officer)		7/23/2013	

CONTINUATION SHEET

 REFERENCE : DOCUMENT BEING CONTINUED
 EECCN130042

PAGE 2 OF 2

NAME OF OFFEROR OR CONTRACTOR

WHITE MOUNTAIN APACHE TRIBE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Accounting Info: 4501001313BD20130100001013SLP00013PS0FPSLP0SLTERO- FPPH00-251010 Period of Performance: 10/01/2012 to 09/30/2013				
0001	ADVANCE PAYMENT - THE CONTRACTOR SHALL CARRY OUT SPECIFIC TASKS AND ACTIVITIES TO MAXIMIZE EMPLOYMENT OPPORTUNITIES AND TO PROTECT THE TITLE VII AND SPECIAL PREFERENCE RIGHTS OF INDIANS. Obligated Amount: \$5,200.00	1	JA	5,200.00	5,200.00
0002	QUARTERLY REPORT ACTIVITIES CONDUCTED - 1ST QUARTER Obligated Amount: \$5,200.00	1	JA	5,200.00	5,200.00
0003	QUARTERLY REPORT ACTIVITIES CONDUCTED - 2ND QUARTER Obligated Amount: \$5,200.00	1	JA	5,200.00	5,200.00
0004	QUARTERLY REPORT ACTIVITIES CONDUCTED - 3RD QUARTER Obligated Amount: \$5,200.00	1	JA	5,200.00	5,200.00
0005	QUARTERLY REPORT ACTIVITIES CONDUCTED - 4TH QUARTER Obligated Amount: \$5,200.00	1	JA	5,200.00	5,200.00
	The total amount of award: \$26,000.00. The obligation for this award is shown in box 15G.				

Table of Contents

<u>Description</u>	<u>Page Number</u>
Solicitation/Contract Form.....	1
Supplies or Services/Prices.....	2
Description/Specifications.....	2
Packaging and Marking.....	3
Inspection and Acceptance.....	3
52.246-4 Inspection of Services - Fixed Price (Aug 1996).....	3
Deliveries or Performance.....	3
Contract Administration Data.....	5
Special Contract Requirements.....	6
Contract Clauses.....	8
52.204-7 Central Contractor Registration. (DEC 2012).....	8
52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (DEC 2010).....	8
52.215-8 Order of Precedence - Uniform Contract Format. (OCT 1997)	8
52.222-3 Convict Labor. (JUN 2003).....	8
52.222-21 Prohibition of Segregated Facilities. (FEB 1999).....	8
52.222-26 Equal Opportunity. (MAR 2007).....	8
52.222-36 Affirmative Action for Workers with Disabilities. (OCT 2010).....	8
52.222-50 Combating Trafficking in Persons. (FEB 2009)	8
52.223-6 Drug-Free Workplace. (MAY 2001)	9
52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving. (AUG 2011)....	9
52.224-1 Privacy Act Notification. (APR 1984)	9
52.224-2 Privacy Act. (APR 1984)	9
52.225-13 Restrictions on Certain Foreign Purchases. (JUN 2008)	9
52.232-1 Payments. (APR 1984)	9
52.232-11 Extras. (APR 1984)	9
52.232-23 Assignment of Claims. (JAN 1986)	9
52.233-1 Disputes. (JUL 2002)	9
52.233-3 Protest after Award. (AUG 1996)	9
52.233-4 Applicable Law for Breach of Contract Claim. (OCT 2004)	9
52.242-2 Production Progress Reports. (APR 1991)	9
52.243-1 Changes - Fixed-Price. (AUG 1987) - Alternate I (APR 1984)	9
52.244-6 Subcontracts for Commercial Items. (DEC 2010)	9
52.249-4 Termination for Convenience of the Government (Services) (Short Form). (APR 1984)....	9
52.249-8 Default (Fixed-Price Supply and Service). (APR 1984)	9
52.253-1 Computer Generated Forms. (JAN 1991)	9
List of Attachments.....	9

Description/Specifications

C-1 TERO CONTRACT

1. This contract is intended to provide continued development of indigenous capacity to enhance the employment opportunities of Indians and to identify, remedy and eliminate unlawful employment discrimination occurring on or near the reservation by supporting the work of a Tribal Employment Rights Office (TERO).

The TERO will:

- a. Negotiate written Indian preference agreements with employers operating on or near the reservation.
 - b. Provide activities to enhance public awareness of the complaints resolution process under Tribal Ordinance for alleged discrimination occurring on the reservation, and of Title VII protection against unlawful employment discrimination both on and off the reservation.
 - c. Provide referral services to provide a point of contact between employers operating on or near the reservation and residents of the reservation with skills required by those employers.
 - d. Conduct on-site inspections of employers on the reservation to assure that goals and timetables agreed to under Tribal Ordinance and preference agreements are being met.
2. The following specific tasks will be performed during the period of this contract:
 - a. Secure preference agreements from on-reservation employers or employers operating within a reasonable commuting distance of the reservation.
 - b. Secure Tribal Ordinance and preference resolutions and Title VII settlements.
 - c. Conduct on-site inspections of employers on the reservation.
 - d. Make referrals to employers on or near the reservation.
 - e. Perform tribe-wide information dissemination conferences designed to increase awareness of Indian rights with respect to employment discrimination including complaint procedures under Title VII and grievance procedures under Tribal Ordinance.
 3. It is understood and expressly agreed to by both parties to this contract that all provisions of the EEOC's Contract Qualification Criteria for **FY 2013** for the TERO Program are incorporated in their entirety into this contract. (See Section J)

Packaging and Marking

D-1 TERO CONTRACT

Reports and any other data furnished hereunder shall be sent through the regular U.S. mail to the Contract Administration Office (EEOC District Office) as specified on Standard Form 26, Block No. 6.

Inspection and Acceptance

E-1 TERO CONTRACT

Inspection and Acceptance shall be made by the Contracting Officer's Representative (COR).

Clause	Title
52.246-4	Inspection of Services – Fixed-Price (AUG 1996)

Deliveries or Performance

F-1 TERO CONTRACT

1. The work to be performed hereunder shall be October 1, 2012 through September 30, 2013.
2. Upon award of the contract, the Contractor shall demonstrate progress toward completion by submitting on the prescribed quarterly report form entitled "Quarterly TERO Report" the following information no later than the 15th of the month following the end of each quarter to the COR.
 - a. The number of employers on the reservation and approximate number of employers near the reservation. The number of employers with preference agreements. Lists of on-reservation employers with whom preference agreements do not exist, and off-reservation employers with whom preference agreements do exist. List of meetings conducted concerning the implementation or renewal of Indian preference agreements.
 - b. A list of employers for whom on site inspections have been conducted to monitor compliance with preference agreements, tribal ordinances, resolutions, and Title VII for terms and conditions of employment.
 - c. Identification of preventive activities undertaken through various communications with employers, including workshops, seminars, and meetings, about employment requirements under tribal ordinances and Federal EEO statutes.

- d. Identification of all community awareness activities that were undertaken to inform the community members of their rights and obligations under tribal ordinances, preference agreements, and Title VII.
 - e. Identification of training and skills development provided, including the names of participants, descriptions of the training provided, and the sponsors of the training.
 - f. Identification of individuals referred for employment, the employers and positions to which they were referred, and the results of the referrals.
 - g. The number of inquiries received from individuals claiming to be aggrieved by employment related actions or inactions.
 - h. A detailed description of all complaints and charges processed by the TERO. Such description must include details about the dispositions of the charges, such as the terms of settlements, the number of individuals affected, and the monetary benefits.
 - i. A detailed description of all complaints and charges forwarded to the EEOC for resolution, including the dates the charges were forwarded.
 - j. A detailed description about the individuals who benefited from TERO activities, including complaint resolutions, training, and referrals.
3. Between the required performance reporting dates, events may occur that have a significant impact on the program. In such instances, the Contractor shall inform the Contract Administration Office as soon as the following types of conditions become known:
- a. Problems or adverse conditions that will materially affect the ability to attain program objectives and prevent the meeting of required time schedules and goals. This disclosure shall be accompanied by a statement of action taken, or contemplated, and any Commission assistance needed to resolve the situation.
4. The COR shall make site visits on an as needed basis to:
- a. Review program accomplishments.
 - b. Provide such assistance as may be required.

5. It is understood and expressly agreed that granting of advance payment is contingent upon a showing by the Contractor, on a quarterly basis, that the Contractor is making satisfactory progress toward completion of the contract. Timely submission of a completed Quarterly Report is a significant indicator of satisfactory progress.

Contract Administration Data

G-1 TERO CONTRACT

G.1 CONTRACT ADMINISTRATION DATA

- A. Contracting Officer: See Block 20A of SF 26
- B. Inspection and Acceptance: See Section E of the Schedule
- C. Accounting and Appropriation Data: See Accounting Line Accounting and Appropriation Data
- D. Contracting Officer's Representative: Alexander P. Johns
State and Local Coordinator
San Francisco District Office
Telephone: (206) 220-6855
- E. Paying Office: See Block 12 of SF 26
- F. Program Director: Michael J. Dougherty, Director
State and Local Programs, OFP
131 M Street, N.E., Fifth Floor
Washington, DC 20507
Telephone: (202) 663-4801

G.2 CONTRACTING OFFICER

Notwithstanding any of the provisions of this contract, the Contracting Officer shall be the only individual authorized to modify any of the terms of the contract or redirect the efforts of the contractor.

G.3 CONTRACTING OFFICER'S REPRESENTATIVE

The EEOC State and Local Coordinator/Program Manager for the District Office will serve as the Contracting Officer's Representative (COR) during the performance of this contract. The name of the authorized COR will appear in Section G.1 Contract Administration Data. The COR shall monitor the contract for the Program Director, Office of Field Programs and provide the

Contractor with technical guidance. Technical guidance shall mean filling in the details or otherwise explaining the scope of work and the requirements set forth in the contract. It is intended that the details or suggestions furnished shall not constitute any changes in terms and conditions of the contract. The COR has the responsibility for monitoring and evaluating all phases of the contractor's performance in order to determine compliance with the technical requirements of the contract. The COR is responsible for providing oversight to the District Office District Resource Manager (DRM) for the preparation of the official receiving report to record acceptance in EEOC's financial system procurement module. No payment may be made until a properly completed receiving report is transmitted to the payment office.

G.4 INVOICING INSTRUCTIONS

- A. The original invoices and any other information required to make payments to vendors shall be sent to the following address:

US Equal Employment Opportunity Commission
P O Box 8790
Reston, VA 20195-2690
Attn: Matthew France
Telephone: (703) 390-5393
- B. A copy of the invoice shall be sent to the COR.
- C. Upon notice of award, an advance payment voucher not to exceed 20 percent of the total annual contract price of this contract may be submitted by the Contractor. Should this contract obligate funds less than the total annual contract price, the Contractor may submit a voucher for that amount; provided that the voucher does not exceed 20 percent of the total annual contract price. The advance payment invoice will be approved for payment by the COR only after award of the contract by the Contracting Officer. Subsequent quarterly payments may be vouchered no later than the 10th of the first month in each quarter (January, April, July) to insure receipt of funds as near to the beginning of each quarter as possible.
- D. The COR will review performance on a quarterly basis. In the event a Contractor's quarterly performance does not meet the specified requirements under the contract, the COR is empowered to withhold approval for payment from the Contractor by not executing the voucher and by providing an explanation to the Contractor detailing the reasons for withholding payment.

Special Contract Requirements

H-1 TERO CONTRACT

H.1 INDEMINIFICATION

The Contractor agrees to indemnify the Government, its officers, agents, employees and assignees, for all claims of any nature arising out of the performance of this contract, including costs and expenses resulting from such claims.

H.2 ACKNOWLEDGMENT OF SPONSORSHIP

The Contractor agrees that in the communication or release of all information concerning work performed or work to be performed under this contract, such communication or release, whether in writing or otherwise, shall be jointly approved by the Contract Administration Office and the Contractor, and shall include a statement to the effect that the project or effort depicted was or is co-sponsored by the EEOC.

H.3 TITLE VII CONFIDENTIALITY PROVISIONS

The Contractor agrees that it will observe the confidentiality provisions of Section 706(b) and 709(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-5(b) and 2000e-8(e) and that it will not make public in any manner Commission furnished case files, EEO Report Forms by individual respondents or data, the names of parties and facts of any case it is investigating or otherwise acting upon for the Commission except as directed in writing by the Program Director of this contract.

H.4 NOTICE OF ADVERSE COURT ACTION

The Contractor will provide written notice to the Program Director of any adverse local, state or federal court decision issued against the Contractor relevant to the Equal Employment Opportunity clauses, Section I, of this contract. Such notice shall be provided within ten days of the court's decision.

H.5 PRIVACY ACT

This contract requires the collection, creation and maintenance of records that are subject to the Privacy Act of 1974. See the Privacy Act Notification Clause and the Privacy Act Clause incorporated into this contract in Section I. The records compiled, created and maintained pursuant to this contract are included in the EEOC's Privacy Act System EEOC-3, "Title VII and ADA Discrimination Case Files", or Privacy Act System EEOC-1, "Age and Equal Pay Discrimination Case Files." The contents and operation of these systems are described in Federal Register Notice, "Privacy Act of 1974; Publication of System of Records" included in Section J of this contract. The EEOC's Privacy Act Regulations, at 29 CFR, Part 1611 are hereby incorporated by reference.

H.6 CONTRACT ADJUSTMENTS

- A. The COR will review the quarterly reports submitted by the Contractor. The Contractor shall perform the tasks specified in Section C during each quarter and

report on the progress toward completion of these tasks on the Quarterly TERO Report form.

- B. If the Contractor fails to report on its activities as required by the contract, the Contractor agrees to allow the government to unilaterally modify the contract price downward by no more than 25 percent of the original contract amount for each quarterly report that does not provide the information schedule set forth in Section F.2 of this contract.

Contract Clauses

Section I – Contract Clauses

Contract Clause:

Clause	Title
52.252-2	Clauses Incorporated by Reference (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were giving in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address:

www.acquisition.gov/far/index.html

(End of clause)

Clauses by Reference:

Clause	Title
52.204-7	Central Contractor Registration. (DEC 2012)
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (DEC 2010)
52.215-8	Order of Precedence – Uniform Contract Format. (OCT 1997)
52.222-3	Convict Labor. (JUN 2003)
52.222-21	Prohibition of Segregated Facilities. (FEB 1999)
52.222-26	Equal Opportunity. (MAR 2007)
52.222-36	Affirmative Action for Workers with Disabilities. (OCT 2010)

- 52.222-50 Combating Trafficking in Persons. (FEB 2009)
- 52.223-6 Drug-Free Workplace. (MAY 2001)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving. (AUG 2011)
- 52.224-1 Privacy Act Notification. (APR 1984)
- 52.224-2 Privacy Act. (APR 1984)
- 52.225-13 Restrictions on Certain Foreign Purchases. (JUN 2008)
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- 52.249-8 Default (Fixed-Price Supply and Service). (APR 1984)
- 52.253-1 Computer Generated Forms. (JAN 1991)

List of Attachments

J-1 TERO CONTRACT

Attachment A – EEOC Contract Qualification Criteria for FY2013

Attachment B – Federal Register Notice, Dated July 30, 2002

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CONTRACT QUALIFICATION CRITERIA FOR FY 2013a/
TRIBAL EMPLOYMENT RIGHTS OFFICE PROGRAM

- I. Pursuant to its mission to eliminate unlawful employment discrimination, the Equal Employment Opportunity Commission (EEOC) will fund a program for Tribes with Tribal Employment Rights Offices (TEROs) to maximize employment opportunities and to protect the Title VII and special preference rights of Indians. Funds provided by the EEOC under contract with each TERO will support the objectives and requirements of the TERO Program to identify, remedy, and eliminate unlawful employment discrimination occurring on or near the reservation.
- II. Eligibility for funding will be conditioned by the following criteria:
 - A. In order to be considered for initial and continued funding by EEOC, a tribe must:
 1. be land-based and federally registered with sovereign jurisdiction over a geographically described reservation;
 2. have an enforceable ordinance passed by the tribal council which prescribes an individual employment discrimination complaint process and an employer's responsibility under Indian preference on the reservation;
 3. have established a Tribal Employment Rights Office which currently has a director on board;
 4. have the financial capability to administer government funds;
 5. augment contract funds with necessary fiscal, in-kind and personnel support to assure performance as required under the EEOC contract; and
 6. accept contract funds without withholding indirect costs.

Funding of this program is contingent upon enactment by Congress of EEOC's Appropriation Bill.

- B. The TERO must have met the following criteria during the previous contract period to be considered for continued funding:
1. processed complaints of employment discrimination under tribal ordinance;
 2. settled complaints of employment discrimination, as appropriate;
 3. secured new and/or renewed Indian preference agreements from on-reservation employers or employers operating within commuting distance of the reservation;
 4. secured tribal ordinance and/or preference agreement resolutions;
 5. made referrals to employers on or near the reservation;
 6. conducted on-site inspections of employers operating on the reservation;
 7. performed reservation/tribe-wide information dissemination activities designed to increase awareness of Indian rights with respect to employment discrimination;
 8. completed an Interview Questionnaire Form on each individual with a potential employment discrimination complaint and forwarded a copy to the district office;
 9. prepared settlement agreements and forwarded them to the district office for signature; and
 10. submitted all required reports within the prescribed reporting schedules.

amended to cover all correspondence and communications, by letter, phone call, or email, throughout the agency to reflect the use of computerized tracking systems in many offices.

EEOC-7 Employee Pay and Leave Records. Routine use i was amended to replace the General Services Administration with the Department of Interior. EEOC has switched its pay and leave system administration from the General Services Administration to the Department of the Interior.

EEOC-8 Employee Travel and Reimbursement Records. Routine use a was amended to replace the General Services Administration with the Department of Interior. EEOC has switched its financial management administrative services from GSA to the Department of the Interior.

EEOC-9 Claims Collection Records. Routine use i was amended to replace the General Services Administration with the Department of Interior. EEOC has switched its financial management administrative services from GSA to the Department of the Interior.

EEOC-12 Telephone Call Detail Records. The categories of individuals and records were amended to include U.S. government phone card holders and phone card records, including billing records.

EEOC-13 Employee Identification Cards. The categories of records was amended to cover proximity card lists and records throughout the agency, where applicable. The system was previously limited to Headquarters proximity card holders.

EEOC-15 Internal Harassment Inquiries. The Commission approved an internal order governing investigations of allegations of harassment made by EEOC employees. This new system of records covers current or former EEOC employees' complaints or reports of harassment, witness statements, reports of interviews, findings and recommendations, decisions and corrective actions taken and related correspondence and exhibits. Nine routine uses are proposed for the system. In addition, it is proposed to exempt this system from certain provisions of the Privacy Act pursuant to section (k)(2) of the Act. A Notice of Proposed Rulemaking is published separately in today's Federal Register proposing amendments to EEOC's Privacy Act regulations that describe this exemption.

EEOC-16 Office of Inspector General Investigative Files. The Office of the Inspector General has reorganized its filing system and will be maintaining its investigative files by the name of the individuals who are subjects of

investigations by the Office relating to the programs and operations of the EEOC. The Commission is adding a system of records covering those files. Six routine uses are proposed for the new system. In addition, it is proposed to exempt this system of records from certain provisions of the Privacy Act pursuant to sections (j)(2) and (k)(2) of the Act. A Notice of Proposed Rulemaking is published separately in today's Federal Register proposing amendments to EEOC's Privacy Act regulations that describe those exemptions.

EEOC-17 Defensive Litigation Files. The Commission's Office of Legal Counsel has upgraded its computerized tracking system and filing system covering its defensive litigation files and has created a set of files containing testimony, affidavits and declarations given by individuals during EEOC's defense of lawsuits brought against the agency. Consequently, the Commission is adding a system of records covering the Office of Legal Counsel's defensive litigation files. The system covers all documents related to civil or administrative litigation brought against the Commission, which are retrievable by the name of the individual who filed the litigation or the name of the individual witnesses who gave testimony, affidavits or declarations during the course of such litigation. Five routine uses are proposed for the new system.

EEOC-18 Reasonable Accommodation Records. The Commission has issued an internal order establishing procedures for providing reasonable accommodation for individuals with disabilities under the Rehabilitation Act of 1973. This new system of records covers all current and former EEOC employees and applicants' requests for reasonable accommodations, medical records, notes or records made about requests, decisions on requests and records made to implement or track decisions on requests. Four routine uses are proposed for the system.

The proposed routine uses in the four new systems of records noted above meet the compatibility criteria since the information involved is collected for the purpose of the applicable routine uses. We anticipate that any disclosure pursuant to these routine uses will not result in any unwarranted adverse effects on personal privacy.

EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeal Records. The two routine uses proposed to be added to EEOC-1 and EEOC-3, permitting disclosure to bar associations or

disciplinary boards and to federal agencies when hiring, or conducting background checks or security clearances are proposed to be added to this system as well. They are described in greater detail above. In addition, the Commission proposes to add a new routine use permitting disclosure of information to employees or contractors engaged by an agency to carry out the agency's responsibilities under 29 CFR part 1614. Finally, the Commission proposes to add a new routine use permitting disclosure of information to potential witnesses during the course of an investigation, as may be appropriate and necessary to perform the agency's functions under 29 CFR part 1614. The Commission has determined that these four proposed routine uses are compatible with the law enforcement purpose of the system of records.

A complete list of all EEOC systems of records is published below. The complete text of the notices follows.

For the Commission.

Cari M. Dominguez,
Chair

EEOC Systems of Records

- EEOC-1 Age and Equal Pay Act Discrimination Case Files.
- EEOC-2 Attorney Referral List.
- EEOC-3 Title VII and Americans With Disabilities Act Discrimination Case Files.
- EEOC-4 Biographical Files.
- EEOC-5 Correspondence and Communications.
- EEOC-6 Employee Assistance Program Records.
- EEOC-7 Employee Pay and Leave Records.
- EEOC-8 Employee Travel and Reimbursement Records.
- EEOC-9 Claims Collection Records.
- EEOC-10 Grievance Records.
- EEOC-11 Records of Adverse Actions Against Nonpreference Eligibles in the Excepted Service.
- EEOC-12 Telephone Call Detail Records.
- EEOC-13 Employee Identification Cards.
- EEOC-14 Employee Parking Records.
- EEOC-15 Internal Harassment Inquiries.
- EEOC-16 Office of Inspector General Investigative Files.
- EEOC-17 Defensive Litigation Files.
- EEOC-18 Reasonable Accommodation Records.
- EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeal Records.

EEOC-1

SYSTEM NAME:

Age and Equal Pay Act Discrimination Case Files.

SYSTEM LOCATION:

Field Office where the charge or complaint of discrimination was filed (see Appendix A). Records of

complaints filed under section 321 of the Government Employees Rights Act of 1991 are located in the Office of Federal Operations, 1801 L Street, NW., Washington, DC 20507, after a hearing has been requested.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons other than federal employees and applicants who file charges or complaints with EEOC alleging that an employer, employment agency or labor organization has violated the Age Discrimination in Employment Act of 1967 or the Equal Pay Act of 1963, or who file complaints under section 321 of the Government Employees Rights Act of 1991.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the records compiled during the investigation of age and equal pay discrimination cases and during the investigation and hearing of complaints filed under section 321 of the Government Employees Rights Act of 1991. These records include:

a. Documents submitted by charging party or complainant such as charge of discrimination, personal interview statement, and correspondence.

b. Documents submitted by employer such as statement of position, correspondence, statements of witnesses, documentary evidence such as personnel files, records of earnings, employee benefit plans, seniority list, job titles and descriptions, applicant data, organizational charts, collective bargaining agreements, petition to revoke or modify subpoena.

c. Records gathered and generated by EEOC in the course of its investigation and, in complaints filed under section 321 of the Government Employees Rights Act of 1991, during the hearing, such as letters of referral to state fair employment practices agencies, correspondence with state fair employment practices agencies, witness statements, investigator's notes, investigative plan, report of initial and exit interview, investigator's analyses of evidence and charge, subpoenas, decisions and letters of determination, conciliation agreements, correspondence and any additional evidence gathered during the course of the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 29 U.S.C. 209, 211, 216, 217, 625; 44 U.S.C. 3101; 2 U.S.C. 1220.

PURPOSE(S):

This system is maintained for the purpose of enforcing the prohibitions against employment discrimination contained in the Age Discrimination in

Employment Act, the Equal Pay Act and section 321 of the Government Employees Rights Act of 1991.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to a federal, state, or local agency or third party as may be appropriate or necessary to perform the Commission's functions under the Age Discrimination in Employment Act or Equal Pay Act.

b. To disclose information contained in these records to state and local agencies administering state or local fair employment practices laws.

c. To disclose non-confidential and non-privileged information from closed ADEA/EPA case files (a file is closed when the Commission has terminated its investigation and has decided not to sue) to the employer where a lawsuit has been filed against the employer involving that information, to other employees of the same employer who have been notified by the Commission of their right under 29 U.S.C. 216 to file a lawsuit on their own behalf, and their representatives.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of a party to the charge.

e. To disclose pertinent information to the appropriate federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where the EEOC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

f. To disclose information to another federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a federal agency when the government is a party to the judicial or administrative proceeding.

g. To disclose information to officials of state or local bar associations or disciplinary boards or committees when they are investigating complaints against attorneys in connection with their representation of a party before EEOC.

h. To disclose to a Federal agency in the executive, legislative, or judicial branch of government, in response to its request information in connection with the hiring of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, or the lawful statutory, administrative,

or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and in computer databases.

RETRIEVABILITY:

These records are retrievable by charging party name, employer name and charge number.

SAFEGUARDS:

Paper records are maintained in a secured area to which only authorized personnel have access. Access to and use of these records is limited to those persons whose official duties require such access. The premises are locked when authorized personnel are not on duty. Access to computerized records is limited, through use of access codes and entry logs, to those whose official duties require access.

RETENTION AND DISPOSAL:

Cases that are dismissed or closed for other than no cause are destroyed six months following the date of dismissal or closure. No cause files that are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one year after the date of the last action and destroyed after three additional years. All other no cause files are destroyed one year after the date of the last action. Negotiated settlement files are destroyed one year after the calendar year in which the settlement agreement is signed or after all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII cases, the file is destroyed three years after the date of the last action. Other files are retired to the Federal Records Center one year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two years after final court action and offered to the National Archives ten years after final court action.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the field office where the charge was filed (see Appendix A).

Director of the Office of Federal Operations, 1801 L Street, NW., Washington, DC 20507.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt under 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Act.

EEOC-2

SYSTEM NAME:

Attorney Referral List.

SYSTEM LOCATION:

All District Offices (see Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys who represent plaintiffs in employment discrimination litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains attorneys' names, business addresses and telephone numbers, the nature and amount of civil rights litigation experience, state and federal bar admission, whether the attorneys have the capacity and desire to handle class actions; whether the attorneys charge consultation fees (and how much); whether the attorneys will waive the consultation fee; the types of fee arrangements the attorneys will accept, and whether the attorneys speak a foreign language fluently.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e-4(g); 44 U.S.C. 3101.

PURPOSE(S):

This system is maintained for the purpose of providing charging parties, upon their request, with information about local attorneys who represent plaintiffs in employment discrimination litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

- a. To refer charging parties to attorneys who handle litigation of employment discrimination lawsuits.
- b. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on prepared forms, index cards and computer databases.

RETRIEVABILITY:

Indexed alphabetically by names of the attorneys.

SAFEGUARDS:

Access to this system of records is restricted to EEOC personnel who have a legitimate use for the information. This system is stored in filing cabinets. Access to computerized records is limited, through use of access codes and entry logs, to those whose official duties require access.

RETENTION AND DISPOSAL:

Files are reviewed and updated annually.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Attorney at each District Office (see Appendix A).

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the appropriate system manager. It is necessary to furnish the following information: (1) Full name of the individual whose records are requested; (2) mailing address to which reply should be sent.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

EEOC-3

SYSTEM NAME:

Title VII and Americans With Disabilities Act Discrimination Case Files.

SYSTEM LOCATION:

Field Office where the charge of discrimination was filed (see Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons, other than federal employees and applicants, who file charges alleging that an employer, employment agency, labor organization or joint labor-management apprenticeship committee has violated Title VII of the Civil Rights Act of 1964 or the Americans With Disabilities Act of 1990, or both.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records compiled during the investigation of race, color, religion, sex, and national origin discrimination cases and cases of discrimination against individuals with disabilities. These records include:

a. Documents submitted by charging party, such as charge of discrimination, personal interview statement, medical records and correspondence.

b. Documents submitted by employer such as statement of position, correspondence, statements of witnesses, documentary evidence such as personnel files, records of earnings, EEO data, employee benefit plans, seniority list, job titles and descriptions, applicant data, organizational charts, collective bargaining agreements, petition to revoke or modify subpoena.

c. Records gathered and generated by EEOC in the course of its investigation such as letters to state or local fair employment practice agencies, correspondence with state fair employment practice agencies, witness statements, investigator's notes, investigative plan, investigator's analyses of the evidence and charge, report of initial and exit interviews, copy of deferral to state, subpoenas, decisions and letters of determination, analysis of deferral agency action, conciliation agreements, correspondence and any additional evidence gathered during the course of the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 42 U.S.C. 2000e-5, -8 and -9; 42 U.S.C. 12117; 44 U.S.C. 3101.

PURPOSE(S):

This system is maintained for the purpose of enforcing the prohibitions against employment discrimination contained in Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

- a. To disclose pertinent information to a federal, state, or local agency or third party as may be appropriate or necessary to perform the Commission's functions under Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990.
- b. To disclose information contained in these records to state and local agencies administering state or local fair employment practices laws.
- c. To disclose non-confidential or non-privileged information contained in these records to the following persons after a notice of right to sue has been issued:
 1. Aggrieved persons and their attorneys in case files involving Commissioner Charges provided that such persons have been notified of their status as aggrieved persons;

2. Persons or organizations filing on behalf of an aggrieved person provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose, and their attorneys;

3. Employers and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII or the Americans With Disabilities Act, or both.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of a party to the charge.

e. To disclose pertinent information to the appropriate federal, state or local agencies responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where EEOC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

f. To disclose information to another federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a federal agency when the government is a party to the judicial or administrative proceeding.

g. To disclose information to officials of disciplinary boards or committees under the control of a state or local government when they are investigating complaints against attorneys in connection with their representation of a party before EEOC.

h. To disclose to a Federal agency in the executive, legislative, or judicial branch of government, in response to its request information in connection with the hiring of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and in computer databases.

RETRIEVABILITY:

These records are retrievable by charging party name, employer name and charge number.

SAFEGUARDS:

Paper records are maintained in a secured area to which only authorized

personnel have access. Access to and use of these records is limited to those persons whose official duties require such access. The premises are locked when authorized personnel are not on duty. Access to computerized records is limited, through use of access codes and entry logs, to those whose official duties require access.

RETENTION AND DISPOSAL:

Cases that are dismissed or closed for other than no cause are destroyed six months following the date of dismissal or closure. No cause files that are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one year after the date of the last action and destroyed after three additional years. All other no cause files are destroyed one year after the date of the last action. Negotiated settlement files are destroyed one year after the calendar year in which the settlement agreement is signed or after all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, Title VII and Americans With Disabilities Act cases, the file is destroyed three years after the date of the last action. Other files are retired to the Federal Records Center one year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two years after final court action and offered to the National Archives ten years after final court action.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the field office where the charge was filed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt under 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Act.

EEOC-4

SYSTEM NAME:

Biographical Files.

SYSTEM LOCATION:

Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Commissioners, General Counsels and Commission officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes for each the name, date and place of birth, education, employment history, and other biographical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 2000e-4.

PURPOSE(S):

This system is maintained for the purpose of providing information about EEOC officials to members of the Congress and the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used

a. To answer public and congressional inquiries regarding EEOC Commissioners, General Counsels and Commission officials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in locking metal file cabinets available to office employees and on computer databases.

RETRIEVABILITY:

Indexed by last name of the Commissioner, General Counsel or Commission official.

SAFEGUARDS:

Files are kept in the Office of Communications and Legislative Affairs, which is locked evenings, weekends and holidays. Access to computerized records is limited, through use of access codes and entry logs, to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507.

NOTIFICATION PROCEDURES:

Inquiries concerning this system of records should be addressed to the system manager. All inquiries should furnish the full name of the individual and the mailing address to which the reply should be mailed.

reports to the President and Congress on the activities of the Inspectors General.

The Commission proposes to add a new system of records, EEOC-19, Revolving Fund Registrations. The Commission's Revolving Fund was established by Congress to permit EEOC to provide equal employment opportunity training and technical assistance at cost to employers and individuals and use the proceeds for further training and technical assistance. The Revolving Fund proposes to keep a database of information about the persons who have attended its training or technical assistance programs. The registration information is used by Revolving Fund staff for the program in connection with which it was received and for mailings about future programs. Three routine uses are proposed for the new system.

The Commission also proposes to add a new system of records, EEOC-20, RESOLVE Program Records. RESOLVE is EEOC's internal alternative dispute resolution program. The RESOLVE Program provides a forum to EEOC employees for the informal resolution of a variety of workplace disputes as an alternative to the procedures that employees traditionally use to resolve disputes, such as the EEO complaint process and the negotiated and administrative grievance procedures. RESOLVE covers a variety of common workplace disputes and issues, such as terms and conditions of employment, requests for reasonable accommodation and allegations of employment discrimination. Three routine uses are proposed for this new system.

The proposed routine uses for EEOC-16, Office of Inspector General Investigative Files, and the two proposed new systems of records meet the compatibility criteria since the information involved is collected for the purpose of the applicable routine uses. We anticipate that any disclosure pursuant to these routine uses will not result in any unwarranted adverse effects on personnel privacy.

Finally, the Commission has amended Appendix A to reflect the current names and addresses of its offices in the field.

For the Commission.

Carri M. Dominguez,

Chair.

Accordingly, it is proposed that:

1. EEOC-1, Age and Equal Pay Act Discrimination Case Files, most recently published at 67 FR 49338, 49339 (July 30, 2002), is amended as set forth below.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the office in the field where the charge was filed (see Appendix A). Director of the Office of Field Programs, 1801 L Street, NW., Washington, DC 20507. Director of the Office of Federal Operations, 1801 L Street, NW., Washington, DC 20507 (only for complaints filed under section 321 of the Government Employees Right Act of 1991).

2. EEOC-3, Title VII and Americans With Disabilities Act Discrimination Case Files, most recently published at 67 FR 49338, 49341 (July 30, 2002), is amended as set forth below.

* * *

SYSTEM MANAGER(S) AND ADDRESS:

Director of the office in the field where the charge was filed (see Appendix A). Director of the Office of Field Programs, 1801 L Street, NW., Washington, DC 20507.

3. EEOC-16, Office of Inspector General Investigative Files, most recently published at 67 FR 49338, 49351 (July 30, 2002), is amended as set forth below.

* * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * *

g. To disclose information to authorized officials of the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE), the Department of Justice, and the Federal Bureau of Investigation for the purpose of conducting qualitative assessment reviews of the Office of Inspector General's investigative operations.

h. To disclose information to authorized officials of the PCIE and the ECIE for their preparation of reports to the President and the Congress on the activities of the Inspectors General.

4. EEOC/GOVT-1, Equal Employment Opportunity in the Federal Government Complaint and Appeal Records, most recently published at 67 FR 49338, 49354 (July 30, 2002), is amended as set forth below.

SYSTEM MANAGER(S) AND ADDRESS:

Within the agency or department where the complaint of discrimination was filed, the system manager is the Director of the Office of Equal Employment Opportunity or other official designated as responsible for the administration and enforcement of equal employment opportunity laws and regulations within the agency or department.

Where an individual has requested a hearing, the system manager of hearing

records is the Director of the Office of Field Programs, 1801 L Street, NW., Washington, DC 20507.

Where an EEO complaint or final negotiated grievance decision has been appealed to EEOC or an individual has petitioned EEOC for review of a decision of the Merit Systems Protection Board, the system manager of the appeal or petition file is the Director, Office of Federal Operations, 1801 L Street, NW., Washington, DC.

5. EEOC-19, Revolving Fund Registrations, is added as set forth below:

EEOC-19

SYSTEM NAME:

Revolving Fund Registrations.

SYSTEM LOCATION:

Revolving Fund Division, Office of Field Programs, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who register for or attend EEOC Revolving Fund programs, courses and conferences and who purchase publications and products.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the names, job titles, company, organization or agency names, business addresses and phone numbers, email addresses, any reasonable accommodation requested, and attendance or purchase dates. Some of the records may contain payment information, the industry of the company, and the size of the establishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e-4(k).

PURPOSE(S):

These records are maintained for the purpose of administering Revolving Fund programs and publicizing future programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used to:

a. Send mailings to registrants and attendees advertising future Revolving Fund programs.

b. To provide information to a congressional office from the record of the individual in response to an inquiry from that congressional office made at the request of that individual.

c. To disclose information to another federal agency, to a court, or to a party in litigation before a court or in an