

4/3/02

SUBJ: DISCRIMINATION COMPLAINT SETTLEMENT AGREEMENTS

1. **PURPOSE**. This order clarifies policy and establishes procedures for required coordination of discrimination complaint settlement agreements. The policy and procedures contained herein may also be applicable to other dispute resolution processes in which multiple Lines of Business (LOB) or staff offices are impacted.
2. **DISTRIBUTION**. This order is distributed to the division and staff offices in the regional office and to all field offices and facilities.
3. **BACKGROUND**.
 - a. A non-uniform coordination process for approving settlement agreements, particularly discrimination complaint settlement agreements, has resulted in confusing and improper agreements as well as non-compliance claims with certain agreement provisions.
 - b. Equal Employment Opportunity Commission (EEOC) case law has established that discrimination settlement agreements (with minor exceptions), are binding on the agency unless the agency can establish through regulation, other publication or other evidence that the agency representative lacked the authority or apparent authority to bind the agency.
4. **RELATED PUBLICATIONS**. Order 1400.10, dated December 13, 1999, Equal Employment Opportunity Mediation Program, contains an extensive list of laws related to discrimination disputes. It also requires coordination of Resolution Agreements reached under the mediation program, before being signed, with all offices that are impacted by the terms of the agreement.
5. **POLICY**. The Agency Official, normally at the division or staff office manager level, of the organization to which the complainant is assigned will ensure coordination with all other offices impacted by a settlement agreement so that it can be determined that the terms of the agreement are in accordance with all laws, regulations, appropriate collective bargaining agreements, and agency policy and can be administratively completed within the necessary time frames. As a minimum, before the parties to the agreement sign it, signatures are required from the Managers of the Civil Rights Office, Regional Counsel's Office, and the Human Resource Management Division.



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