



OFFICE OF THE CHIEF COUNSEL

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

MAY - 1 2019

MEMORANDUM FOR ALL OFFICE OF CHIEF COUNSEL EMPLOYEES

FROM: Michael J. Desmond
Chief Counsel *Michael Desmond*

SUBJECT: Anti-Harassment Policy

The mission of the Office of Chief Counsel is to provide effective legal advice to the IRS and to serve taxpayers fairly and with integrity. Fundamental to our mission is our obligation to honor the diversity of our workforce and ensure all employees are treated with respect and dignity.

Counsel will not tolerate harassment in the workplace. Harassment based on race, ethnicity, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 years of age or over), disability (physical or mental), and family medical history or genetic information is unlawful and is prohibited. In addition, harassment based on other conduct that is threatening, intimidating, sexual, and/or bullying is also harmful to our workplace environment and will not be tolerated.

To provide management with the opportunity to address any potentially harassing conduct, this policy requires that management be notified and have the opportunity to stop any and all harassing conduct. All Counsel employees, including supervisors and other management officials, have a duty and requirement to immediately report harassing conduct.

Harassment of any kind should be reported immediately to the first-line supervisor. If the first-line supervisor is the alleged harasser, the harassment should be reported to a second-line supervisor in her or his chain of command, a higher-level supervisor or Counsel LR. Counsel will conduct a prompt, thorough and impartial inquiry into the allegation of harassment.

Retaliation against any person who reports harassment, or who participates in an investigation of alleged harassment, is prohibited and may result in disciplinary action, up to and including removal.

It should be noted that, irrespective of whether an allegation of harassment is raised under this policy, filing a report under this policy will not satisfy the requirements for filing an EEO complaint, union grievance, or other procedure, nor satisfy the requirements for obtaining remedies available through those processes. Additionally, filing a report under this policy will not delay the time limits for initiating the aforementioned procedures.

Counsel employees or applicants for employment who choose to file an EEO employment discrimination complaint process pursuant to 29 CFR Part 1614 must contact Counsel's EEO Office within 45 days of an alleged incident of harassment. Should you have any questions related to the EEO complaint process, please contact the EEO Office at (202) 317-6858.

Counsel employees who choose to file a grievance pursuant to the collective bargaining agreement must file a grievance within 30 days after the incident giving rise to the grievance or within 30 days after the grievant became aware of the matter.

For an appeal to the Merit Systems Protection Board (MSPB) pursuant to 5 C.F.R. §1201.22, file a written appeal with the Board within 30 days of the effective date of an appealable adverse action as defined in 5 C.F.R. § 1201.3, or within 30 days of the date of receipt of the agency's decision, whichever is later.

Authorities

- (a) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16;
- (b) The Civil Service Reform Act, 5 U.S.C. § 2302(b)(10);
- (c) Executive Order 11478, as amended July 21, 2014;
- (d) Equal Employment Opportunity Commission Management Directive 715, "Federal Responsibilities Under Section 717 of Title VII and Section 501 of the Rehabilitation Act" (October 1, 2003);
- (e) Equal Employment Opportunity Commission, "Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors," No. 915.002 (June 18, 1999);