

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY (EEO)—DISCRIMINATION COMPLAINT PROCESS

The process operates under the authority of the Equal Employment Opportunity Commission (EEOC) and is regulated by 29 Code of Federal Regulations (29 CFR) Part 1614. There are two main steps in the administrative process: (1) pre-complaint (or informal) and (2) formal complaint. At the complainant's discretion, a complaint can progress to U.S. District Court.

Title VII of the Civil Rights Act of 1964, as amended, Rehabilitation Act of 1973, as amended by the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), prohibits employment discrimination or being subjected to a hostile work environment based on:

Race: (e.g., Caucasian (White), African-American (Black) or Asian/Pacific Islanders, etc.) Possessing traits that are transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype.

Color: Skin shade. (e.g., you may feel you are being treated differently (even by your own race) because of your skin shade is lighter or darker than others of your own race.)

Sex: Male or Female (Sexual Orientation or Gender Identity).

Sexual Harassment is one type of sex discrimination, consisting of gender-based harassment, including unwanted and inappropriate sexual advances, consideration of sexual favors in making personnel decisions, or creating a hostile or offensive work environment. For example, remarks, jokes, and actions of a sexual nature.

Age: You must be 40 years of age or above to file an age claim

Religion: Refers to your religious beliefs, or lack thereof, or your membership in a religious group.

National Origin: Refers to your country of origin. These complaints are often based on treatment perceived to be influenced by an individual's last name, accent, or cultural heritage.

Disability (Mental or Physical): A disabled individual is any person who (1) has a physical or mental impairment which substantially limits one or more of the person's major life activities, (2) has a record of such impairment, or (3) is regarded as having an impairment. Decisions made based on the person's disability, unless a Bona Fide Occupation Qualification (BFOQ), are prohibited by law.

Genetic Information: Details regarding an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Reprisal: If you have participated in or opposed an unlawful employment practice that discriminated based on any of the protected categories and perceived adverse treatment because of your participation/opposition, you may file a complaint of retaliation.

NOTE: Formal Complaints must be filed on one or more of the aforementioned bases.

You may file an individual complaint of discrimination if you are an employee, applicant for employment, or former employee (under certain circumstances). Complaints must be filed within 45 calendar days of becoming aware of the event or personnel action believed to be discriminatory. Bargaining Unit Employees (BUE) may elect to file under the negotiated grievance procedure within 15 workdays of the date of the alleged discriminatory incident; however, an employee may not file a grievance and a formal EEO complaint on the same issues.

In the initial stage of the EEO process, complainants have the right to remain anonymous.

At any stage of the EEO process, the complainant has the right to representation at their own expense.

EO counselors are a third-party neutral. They are not representatives for either management or employee. They are assigned to facilitate the pre-complaint process only. EEO counselors are trained to (1) listen to your concerns, (2) clarify the incident(s) that occurred, and (3) attempt to resolve the issue informally. The EEO counselor has 30 calendar days, unless an extension is granted, to inquire into your concern(s). After the counselor has completed the limited inquiry, and if you are not satisfied with the outcome, you will be notified of your right to file a formal complaint. Within 15 calendar days of the final counseling interview, a signed formal (written) complaint may be filed with the Equal Opportunity Director.

You must file a pre-complaint (informal complaint) before a formal complaint can be filed.

You are entitled to a reasonable amount of official duty time to meet with an EO counselor.

Alternative Dispute Resolution (ADR) process is an additional avenue to assist in resolving employee disputes. The EEOC encourages the use of the ADR process. Mediation is fast, confidential, and maintains your right to file a formal complaint, if not resolved. The mediator is also a third party neutral, trained to assist parties in resolving their dispute. Mediators cannot make or force decisions. The goal is for the parties to reach their own agreement voluntarily. Parties have a right to representation at their own expense. However, the participating parties should have the authority to enter into an agreement that is binding for all parties